

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.03.2017

CORAM

THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU.

WRIT PETITION No.5526 of 2017

P.Loganathan

.. Petitioner

Vs.

1. The Transport Commissioner,
Chepauk,
Chennai - 600 005.
2. The Assistant License Issuing Authority,
O/o.Regional Transport Office,
Chennai West,
K.K.Nagar, Chennai.
3. The Regional Transport Officer,
O/o. Regional Transport Office,
Kancheepuram,
Kancheepuram District.
4. The Inspector of Police,
Sriperumbudur Police Station,
Sriperumbudur,
Kancheepuram District.
5. The Branch Manager,
Metropolitan Transport Corporation,
Chrompet Depot - II,
Chennai - 600 044.

.. Respondents

Writ petition filed under Article 226 of the Constitution of India praying to issue a Writ of MANDAMUS directing the respondents 1 to 4 to return the petitioner's driving license in D.L.No. TN 20Z 19870000292 enable him to join and continue his service in the 5th respondent transport corporation.

For Petitioner : Mr.A.Rajesh Kanna,

For Respondents : Mr.C.Jagadish,
1 to 3 Special Government Pleader (MV & MM)

ORDER

Mr.C.Jagadish, learned Special Government Pleader takes notice on behalf of the respondents. By consent of the parties, the main writ petition itself is taken up for final disposal.

2. The petitioner seeks for a mandamus directing the respondents 1 to 4 to return the petitioner's Driving Licence No.TN20Z19870000292 so as to enable him to join and continue in service in the 1st respondent Transport Corporation .

3. The petitioner is a driver in the Metropolitan Transport Corporation, Chennai. In pursuant to an accident that has taken place on 09.02.2017, wherein a student who was traveling in the bus, died in the Hospital later, the 4th respondent seized the license of the petitioner and handed over the same to the 3rd respondent. It is the contention of the petitioner that the respondents have seized the driving license without issuing any show cause notice. Therefore, it is in violation of principles of natural justice. The petitioner made a representation on 30.02.2017 requesting for return of the driving license. It is stated that the said representation has not been considered so far.

4. Learned counsel for the petitioner relied on an order passed in W.P.No.3004/2017 dated 07.02.2017 wherein this Court has considered the identical issue and passed an order directing the respondents therein to consider the representation of the petitioner therein bearing in mind, the judgment of this Court passed earlier in W.P.No.34405/2016 dated 21.10.2016.

5. Learned counsel appearing for the respondents 1 to 3 submitted that the representation of the petitioner will be considered and appropriate orders will be passed within the time frame fixed by this Court.

6. Upon hearing the learned counsel appearing on either side and on perusing the order passed in similar matters, this Court is of the view that the petitioner's representation need to be considered and appropriate orders should be passed by bearing in mind, the judgment of this Court passed in W.P.No.40973 of 2016 dated 21.10.2016 wherein it has been observed as follows:

"4. The petitioner says that he has made a representation dated 03.11.2016 to respondent no.3 for release of his driving licence. It is the petitioner's case that the driving licence is required to be handed over to him as it can only be revoked after

following the procedure contemplated in Section 19 of the Motor Vehicles Act, 1988.

5. The petitioner says that no show cause notice has been issued to him, and therefore, the continued retention of the driving licence is illegal. In support of this submission, the counsel for petitioner relies upon an order passed by a Single Judge of this Court dated 21.10.2016 in W.P.No.34405 of 2016. A perusal of the said order would show that it is based on another order of this Court, passed in R.Ravi Vs. Regional Transport Officer, Transport Department, Chennai (2015 (2) CTC 626).

6. In these circumstances, the writ petition is disposed of with a direction to the respondent no.3 to pass an appropriate order on the representation of the petitioner within a period of ten days of the receipt of a copy of the order. While passing the order, the respondent no.3 will bear in mind, the judgment of this Court dated 21.10.2016, passed in W.P.No.34405 of 2016. Needless to say, the respondent no.3 prior to passing any order on the representation of the petitioner will accord a personal hearing to the petitioner."

7. The said exercise shall be done by the 3rd respondent within a period of four weeks from the date of receipt of a copy of this order. The writ petition is disposed of accordingly. No costs.

-sd-

Assistant Registrar

//True copy//

Sub Assistant Registrar

vsi/dsa

To

1. The Transport Commissioner,
Chepauk,
Chennai - 600 005.

2. The Assistant License Issuing Authority,
O/o.Regional Transport Office,
Chennai West,
K.K.Nagar, Chennai.

3. The Regional Transport Officer,
O/o. Regional Transport Office,
Kancheepuram,
Kancheepuram District.

4. The Inspector of Police,
Sriperumbudur Police Station,
Sriperumbudur,
Kancheepuram District.

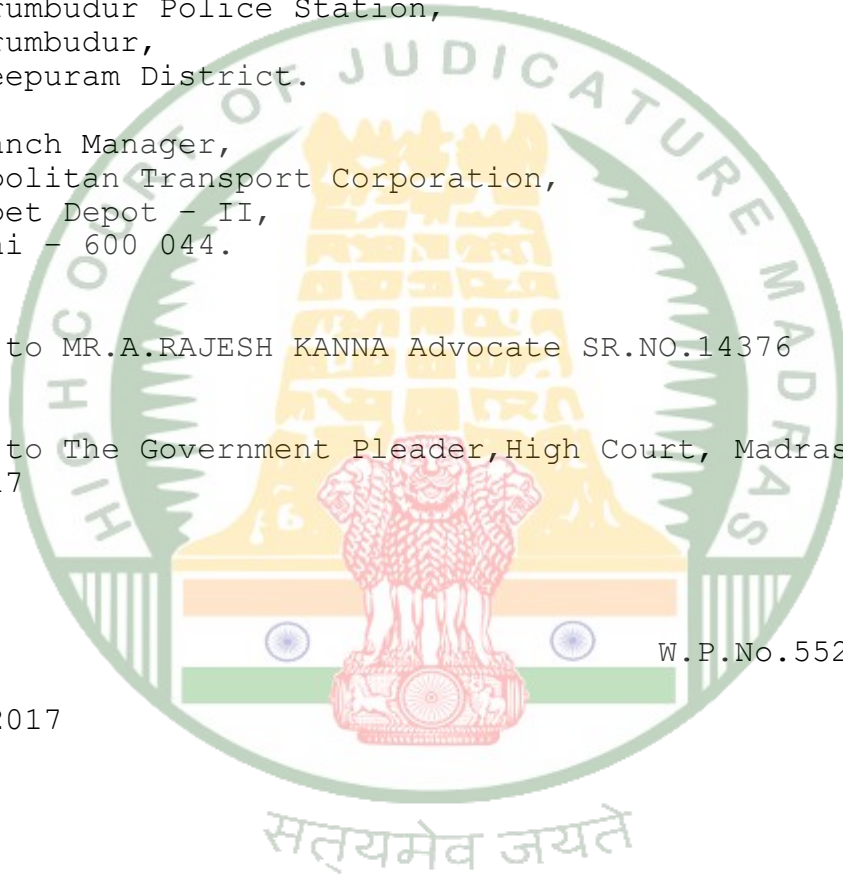
5. The Branch Manager,
Metropolitan Transport Corporation,
Chrompet Depot - II,
Chennai - 600 044.

C.C. to MR.A.RAJESH KANNA Advocate SR.NO.14376

C.C. to The Government Pleader, High Court, Madras
SR.NO.14717

W.P.No.5526 of 2017

NMI CO
VS 16.03.2017



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