

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.08.2017

CORAM

THE HON'BLE Mr. JUSTICE M.DURAI SWAMY

W.P.No.21507 of 2017

M.Gnanaprakasam

... Petitioner

Vs.

1. The Branch Manager,
Tamil Nadu State Transport
Corporation (Villupuram) Ltd.,
Chengalpet Depot-II,
Chengalpet.
2. The Licensing Authority,
Regional Transport Office,
Sriperumbudur.
Kanchipuram District.
3. The Inspector of Police,
Sriperumbudur Police Station,
Sriperumbudur,
Kanchipuram District.

... Respondents

Petition filed under Article 226 of The Constitution of India praying to issue a writ of mandamus directing the second respondent to return the original Driving License of the petitioner in D.L. No.TN 32 Y 19990001541 forthwith.

For Petitioner : Mr.B.Jawahar
For Respondents : Mr.R.Venkatesh
Government Advocate - for R2 & R3

O R D E R

Mr.R.Venkatesh learned Government Advocate, takes notice for the respondents 2 and 3. By consent, the main writ petition itself is taken up for disposal at the admission stage itself.

2. The petitioner has filed the above Writ Petition to issue a writ of mandamus to direct the second respondent to return the original Driving License of the petitioner in D.L. No.TN 32 Y 19990001541 forthwith.

3.It is the case of the petitioner that he is a Driver in the Tamil Nadu State Transport Corporation (Villupuram) Limited, Chengalpet Depot-II, Chengalpet and in the accident that had occurred on 08.05.2017, the petitioner's Driving License was seized by the 3rd respondent, Inspector of Police. According to the petitioner, FIR was registered in Crime No.396 of 2016 under Section 279 and 304(A) of IPC.

4.The learned counsel appearing for the petitioner submitted that the issue involved in the present Writ Petition is covered by the decision of this Court reported in 2015 (2) CTC 626 [R.Ravi Vs. The Regional Transport Officer, Transport Department, Chennai - 600 078 [Chennai (West)]] wherein it has been held as follows:

"Following the ratio laid down by the Division Bench of this Court reported in P.Sethuram V. The Licensing Authority, The Regional Transport Officer, Dindigul, 2009 (2) TN MAC 252 (DB) : 2010 WLR 100, the impugned Order passed by the Respondent is liable to be set aside and accordingly, the same is set aside. The Respondent is directed to return the Driving Licence of the petitioner within a week from the date of receipt of a copy of this Order. However, it shall not preclude the Respondent from initiating any action, if any of the contingencies specified in Motor Vehicles Act, arises later or if any of the Rules as prescribed by the Central Government, in pursuance of the provisions of the Act, are violated."

5. Mr.R.Venkatesh, learned Government Advocate appearing for the respondents 2 and 3 also submitted that the issue is covered by the judgment of this Court reported in 2015 (2) CTC 626 [R.Ravi Vs. The Regional Transport Officer, Transport Department, Chennai - 600 078 [Chennai (West)]].

6.Having regard to the submissions made by the learned counsel on either side, I direct the 2nd respondent to return the petitioner's original Driving License (DL. No.TN 32 Y 19990001541) of the petitioner within a week's time from the date of receipt of a copy of this order. However, it shall not preclude the respondents from initiating any action, if any of the contingencies specified in Motor Vehicles Act, arises later or if any of the Rules as prescribed by the Central Government, in pursuance of the provisions of the Act, are violated.

7.With this observation, the Writ Petition is allowed. No costs.

Sd/-
Asst.Registrar (CCC)

/true copy/

Sub Asst. Registrar

Rj/ah

To

1. The Branch Manager,
Tamil Nadu State Transport
Corporation (Villupuram) Ltd.,
Chengalpet Depot-II,
Chengalpet.
2. The Licensing Authority,
Regional Transport Office,
Sriperumbudur.
Kanchipuram District.
3. The Inspector of Police,
Sriperumbudur Police Station,
Sriperumbudur,
Kanchipuram District.

+1cc to the Government Pleader, Sr. 58559
+1cc to Mr.B.Jawahar, Advocate Sr. 58325

WEB COPY

W.P.No.21507 of 2017

MSM(CO)
VR(01/09/2017)