

In the High Court of Judicature at Madras

Dated: 23.01.2017

Coram

The Honourable Mr.JUSTICE RAJIV SHAKDHER

Writ Petition No.1239 of 2017

V.Elangovan

.... Petitioner

Vs.

1. The State  
rep. by its Inspector of Police,  
Traffic Investigation Wing,  
J-3, Guindy Police Station,  
Chennai - 600 032.

2. The Licensing Authority - cum -  
Regional Transport Officer,  
Chennai (West), K.K.Nagar,  
Chennai - 600 078.

..... Respondents

PETITION under Article 226 of The Constitution of India  
praying for the issuance of Writ of Mandamus directing the  
respondents to return back the original driving license of the  
petitioner bearing No.TN32Y2000001455 dated 14.07.2000  
containing public badge No.39025/2001 dated 05.07.2001 issued by  
the 2nd respondent licensing authority.

For Petitioner : Mr.A.Karl Mozhi  
For Respondents: Mr.R.Venkatesh, GA

O R D E R

1. Issue notice. Mr.R.Venkatesh, accepts notice on behalf  
of the respondents.

2. The petitioner, by virtue of the instant writ petition,  
seeks return of original driving licence bearing DL.No.TN-  
2420060001464, which is, apparently, in the custody of  
respondent No.1.

3. Counsel for the respondents states that, if, a direction  
is issued by this Court, representation given by the petitioner  
in this regard would be disposed of.

3.1. It is, in these circumstances, counsel for the respondents contends that there is, in fact, no need, at this stage, to file a counter affidavit in the matter. Accordingly, the Writ Petition is taken up for hearing and final disposal.

4. The averments made in the Writ Petition are indicative of the fact that the petitioner was involved in an accident, while driving the vehicle owned by Metropolitan Transport Corporation Limited. This accident, according to the petitioner, occurred on 06.09.2016 at about 7.30 p.m. The vehicle, which was involved in the accident (and, as indicated above, was driven by the petitioner), bore the Registration No.:TN-01-N-8235.

4.1. It is further averred that the route allotted to the petitioner, while he was in-charge of the aforementioned vehicle, was, City route No.19B.

4.2. The petitioner, further avers, that in the accident which occurred, one, Mr.Sasikumar sustained injuries and, accordingly, respondent No.1 booked him for offences under Sections 279 and 337 of the Indian Penal Code,1860. Consequently, an FIR appears to have been registered against the petitioner, which is reflected in Crime No.663/S1/2016, dated 06.09.2016. The petitioner avers, that the said case is pending adjudication, before the concerned Metropolitan Magistrate.

5. The petitioner, evidently, is aggrieved by the fact that respondent No.1 took into custody his driving licence and handed over the same to respondent No.2, even though the criminal case lodged against him is still pending adjudication.

6. It is the petitioner's case that the accident occurred on account of the negligence of Sasikumar, i.e., the person, who suffered injuries in the mishap.

7. Evidently, the petitioner has preferred a representation dated 02.12.2016, for being handed over his driving licence.

8. Having regard to the assertions made in the writ petition, I am inclined to direct respondent No.2 to dispose of the aforementioned representation, filed by the petitioner by way of a speaking order.

8.1. It is ordered accordingly.

8.2. While doing so, respondent No.2 will bear in mind the order dated 12.12.2016, passed in W.P.No.43182 of 2016. In the said Writ Petition a direction was issued to the concerned

respondent to dispose of the representation of the petitioner. While disposing of the said Writ Petition, this Court relied upon the following judgments:

i. P.Sethuram vs. The Licensing Authority, The Regional Transport Officer, Dindigul (Madurai Bench), 2010 Writ L.R. 100;

ii. G.Jayaprakash vs. The Secretary to Government & Others, 2010 Writ L.R. 104;

iii. R.Ravi vs. The Regional Transport Officer, Transport Department, Chennai, 2015 (2) CTC 626;

iv. Order in W.P.No.23179 of 2016 (between M.Rathinakumar and The Inspector of Police, Traffic Investigating Wing and Another), decided on 12.07.2016.

8.3. For the sake of convenience, the operative portion of the order dated 12.12.2016 is set forth hereinafter:

"....7. Accordingly, the writ petition is disposed of with the direction to the second respondent to dispose of the representation of the petitioner dated 02.11.2016. While doing so, the second respondent will bear in mind the provisions of the 1988 Act and the judgments of this Court to which reference has been made hereinabove.

8. Needless to say, the second respondent will act with due expedition and, thus, conclude the aforesaid exercise not later than four (4) weeks from the date of receipt of a copy of the order....."

8.4. Needless to say that the above-said exercise will be carried out with due expedition, though, not later than six (6) weeks from the date of receipt of a copy of the order.

9. The Writ Petition is disposed of in terms of the aforementioned directions. However, there shall be no order as to costs.

Sd/-  
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

To

1. The State  
rep. by its Inspector of Police,  
Traffic Investigation Wing,  
J-3, Guindy Police Station,  
Chennai - 600 032.
2. The Licensing Authority - cum -  
Regional Transport Officer,  
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+1cc to the Government Pleader Sr.4348

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