

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.08.2017

CORAM

THE HON'BLE Mr. JUSTICE M.DURAISWAMY

W.P.No.13546 of 2017

C.Kannan

... Petitioner

Vs.

- 1.The Transport Commissioner,
Chepauk, Chennai - 600 005.
 - 2.The Assistant Licensing Authority,
Unit Office, Batlakundu.
 - 3.The Regional Transport Officer,
Regional Transport Office,
Salem District.
 - 4.The Inspector of Police,
Sooramangalam Police Station,
(Traffic Investigation Wing),
Salem City.
 - 5.The General manager,
State Express Transport Corporation Tamil Nadu Limited,
Thiruvalluvar Salai,
Pallavan House,
Chennai - 600 002.
- ... Respondents

Petition filed under Article 226 of The Constitution of India praying to issue a writ of mandamus to direct the respondents 1 to 3 to return the petitioner's Driving License bearing DL. No.TN 5719980004388 and enable him to join duty as Driver with the 5th respondent.

For Petitioner : Mr.M.Rajendiran
For Respondent : Mr.R.Venkatesh (R1 to R4)
Government Advocate

O R D E R

The petitioner has filed the above Writ Petition to issue a writ of mandamus to direct the respondents 1 to 3 to return the petitioner's Driving License bearing DL. No.TN57 19980004388 and enable him to join duty as Driver with the 5th respondent.

2.It is the case of the petitioner that he is a Driver in the State Express Transport Corporation Tamil Nadu Limited, Thiruvalluvar Salai, Pallavan House, Chennai - 600 002 and in the accident that had occurred on 03.05.2017, the petitioner's Driving License was seized by the 4th respondent, Inspector of Police. According to the petitioner, FIR was registered in Crime No.367 of 2017 under Section 279 and 304-A of IPC.

3.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."

4. Mr.R.Venkatesh, learned Government Advocate appearing for the respondents 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)]].

5.Having regard to the submissions made by the learned counsel on either side, I direct the respondents to return the petitioner's original Driving License (DL. No.TN57 19980004388) 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.

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

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

Tsi

To

- 1.The Transport Commissioner,
Chepauk, Chennai - 600 005.
 - 2.The Assistant Licensing Authority,
Unit Office, Batlakundu.
 - 3.The Regional Transport Officer,
Regional Transport Office,
Salem District.
 - 4.The Inspector of Police,
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(Traffic Investigation Wing),
Salem City.
 - 5.The General manager,
State Express Transport Corporation Tamil Nadu Limited,
Thiruvalluvar Salai,
Pallavan House,
Chennai - 600 002.
- +1 cc to the Government Pleader sr 57885

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gj(co)
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