

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.09.2017

CORAM

THE HON'BLE Mr. JUSTICE M.DURAI SWAMY

W.P.No.23538 of 2017

G.Rajkumar

... Petitioner

Vs.

1. The Regional Transport Officer,
The Regional Transport Office,
Nilgiris District.
 2. The Inspector of Police,
G-1, Ooty Town West Police Station,
Nilgiris District.
 3. The General Manager,
The Tamil Nadu State Transport Corporation
Kovai Kottam No.37, Mettupalayam Road
Coimbatore District.
- ... Respondents

Petition filed under Article 226 of The Constitution of India praying to issue a writ of mandamus directing the 1st and 2nd respondents to return the Driving License of the petitioner forthwith to the petitioner as enable to join the duty before the 3rd respondent.

For Petitioner : Mr.Y.George Williams

For Respondents : Mr.O.Selvam
Government Advocate

O R D E R

Mr.O.Selvam, learned Government Advocate, takes notice for the respondents. 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 directing the 1st and 2nd respondents to return his Driving License to him forthwith, so as to enable him to join duty before the 3rd respondent.

3.It is the case of the petitioner that he is a Driver in the Tamil Nadu State Transport Corporation Limited, Kovai Kottam from 26.03.200 and in the accident that had occurred on 21.08.2017, the petitioner's Driving License was seized by the

Police Officials and handed over to the Regional Transport Officer. According to the petitioner, FIR was registered in Crime No.541 of 2017 under Sections 279, 338 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.O.Selvam, 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)]].

6.Having regard to the submissions made by the learned counsel on either side, I direct the 1st respondent to return the petitioner's original Driving License No.TN-4119920000178 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.

With these observations, the Writ Petition is allowed. No costs.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

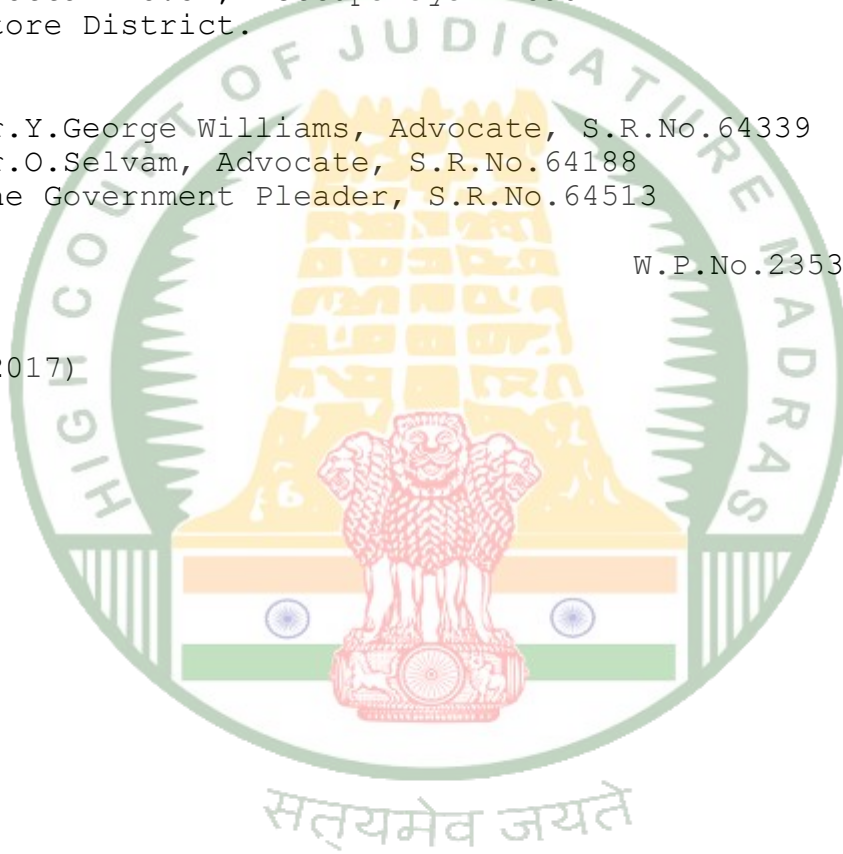
To

1. The Regional Transport Officer,
The Regional Transport Office,
Nilgiris District.
2. The Inspector of Police,
G-1, Ooty Town West Police Station,
Nilgiris District.
3. The General Manager,
The Tamil Nadu State Transport Corporation
Kovai Kottam No.37, Mettupalayam Road
Coimbatore District.

+1cc to Mr.Y.George Williams, Advocate, S.R.No.64339
+1cc to Mr.O.Selvam, Advocate, S.R.No.64188
+1cc to the Government Pleader, S.R.No.64513

W.P.No.23538 of 2017

CS IV
CA(18/09/2017)



WEB COPY