

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.09.2017

CORAM

THE HON'BLE Mr. JUSTICE M.DURAISWAMY

W.P.No.23828 of 2017

R.Kalviarasan

... Petitioner

..v..

1. The Branch Manager
Tamil Nadu Transport Corporation
(Villupuram) Ltd.,
Tiruvannamalai Depot I
Tiruvannamalai.
 2. The Licensing Authority,
Regional Transport Authority,
Madhuranthagam,
Kanchipuram District.
 3. The Inspector of Police,
G-1, Madhuranthagam Police Station,
Madhuranthagam,
Kancheepuram District
- ... Respondents

Petition filed under Article 226 of The Constitution of India praying to issue a writ of mandamus directing the 2nd respondent to return the original Driving License of the petitioner in D.L.No.TN 25-19870000313 forthwith.

For Petitioner : Mr.B.Jawahar

For Respondents : Mr.O.Selvam, GA (R2&3)

ORDER

Mr.O.Selvam, 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 directing the 2nd respondent to return his original Driving License in D.L.No.TN 25-19870000313 forthwith.

3.It is the case of the petitioner that he is a Driver in the Tamil Nadu Transport Corporation (Villupuram) Ltd., and in the accident that had occurred on 10.06.2017, the petitioner's Driving License was seized by the Inspector of Police and handed over to the 2nd respondent. According to the petitioner, FIR was registered in Crime No.388 of 2017 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.O.Selvam, 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 bearing D.L.No.TN 25-19870000313 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 2nd 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.

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

Sd/-
Asst.Registrar (CS IV)

/true copy/

Sub Asst. Registrar

To

1. The Branch Manager
Tamil Nadu Transport Corporation
(Villupuram) Ltd.,
Tiruvannamalai Depot I
Tiruvannamalai.
 2. The Licensing Authority,
Regional Transport Authority,
Madhuranthagam,
Kanchipuram District.
 3. The Inspector of Police,
G-1, Madhuranthagam Police Station,
Madhuranthagam,
Kancheepuram District
- + 1 cc to Mr.B.Jawahar, Advocate,SR.64219
+ 1 cc to M/s.O.Selvam, Advocate,SR.64187
+ 1 cc to The Govt.Pleader, SR.64096

W.P.No.23828 of 2017

NR 07/09/2017

सत्यमेव जयते

WEB COPY