

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.09.2017

CORAM

THE HON'BLE Mr. JUSTICE M.DURAISWAMY

W.P.No.24254 of 2017

C.Raman

[Petitioner]

Vs

- 1 The Transport Commissioner
Chepauk Chennai - 600 005.
- 2 The Assistant License Issuing Authority
O/o. Regional Transport
Officer Arni Thiruvnnmalai District.
- 3 The Regional Transport Officer
Chengalpet Regional Transport Office
Kanchipuram District.
- 4 The Inspector of Police
H2 Kuduvancheri Police Station
Kanchipuram District.
- 5 The Branch Manager
Tamil Nadu State Transport corporation
Chetpet Depot Thiruvannamalai division
Thiruvannamalai District [Respondents]

Petition filed under Article 226 of The Constitution of India praying to issue a writ of mandamus directing the respondents 1 to 4 to return the petitioners driving license in D.L. No.TN25Z19950000680 and enable him to join and continue his service in the 5th respondent Transport Corporation.

For Petitioner : Mr.A.Rajesh Kanna
For Respondents : Mr.P.V.Selvakumar, AGP

O R D E R

The petitioner has filed the above Writ Petition to issue a writ of mandamus directing the respondents 1 to 4 to return his driving license in D.L. No.TN25Z19950000680 to enable him to join and continue his service in the 5th respondent Transport Corporation.

2.It is the case of the petitioner that he is a Driver in the Tamil Nadu State Transport Corporation, in the year 2008 at Chetpet Depot and in the accident that had occurred on 04.08.2017, the petitioner's Driving License was seized by the 4th respondent and the same was handed over to the 3rd respondent for cancellation of license. According to the petitioner, the criminal case filed as against him is under investigation.

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.P.V.Selvakumar, learned Additional Government Pleader 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, following the ratio laid down in the said judgment, the 3rd respondent is directed to return the Driving License 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.

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

sd/
ASSISTANT REGISTRAR

/TRUE COPY/

SUB-ASSISTANT REGISTRAR

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To

- 1 The Transport Commissioner
Chepauk Chennai - 600 005.
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Thiruvannamalai District

+1 CC to MR. A. Rajesh Kanna ADVOCATE. SR.NO. 65778
+1 CC to Govt.Pleader. SR.NO. 66417

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SR. (CO)
THS: 27/09/2017