

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.09.2017

CORAM

THE HON'BLE Mr. JUSTICE M.DURAI SWAMY

W.P.No.23953 of 2017

B.Sivakumar

... Petitioner

V.

1.The Branch Manager
Tamil Nadu State Transport Corporation
(Villupuram) Limited
Tiruvannamalai Depot - II
Tiruvannamalai

2.The Licensing Authority
Regional Transport Office
Chengalpattu

3.The Inspector of Police
H3, Maraimalai Nagar Police Station
Kancheepuram District

... Respondents

सत्यमेव जयते
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Petition filed under Article 226 of The Constitution of India praying to issue a writ of mandamus directing the 2nd respondent to return the petitioner's original Driving License bearing DL No.TN 2519960000390 forthwith.

For Petitioner : Mr.B.Jawahar
For Respondent : Mr.O.Selvam
Government Advocate - for R2 & R3

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 respondent to return his original Driving License bearing DL No.TN 2519960000390 forthwith.

3.It is the case of the petitioner that he is a Driver in the 1st respondent Corporation Limited and in the accident that had occurred on 26.07.2017, the petitioner's Driving License was seized by the 3rd respondent and handed over to the 2nd respondent. According to the petitioner, FIR was registered in Crime No.579 of 2017 under Sections 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 Special Government Pleader 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 original Driving License (DL No.TN 2519960000390) of the petitioner forthwith on production 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 disposed of. No costs.

06.09.2017

Index : Yes/No

Rj

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M.DURAISWAMY, J.

Rj



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