

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.09.2017

CORAM

THE HON'BLE Mr. JUSTICE M.DURAI SWAMY

W.P.No.23973 of 2017

P.Sankar

... Petitioner

v.

- 1.The Transport Commissioner
Chepauk, Chennai - 600 005.
- 2.The Assistant License Issuing Authority
O/o Regional Transport Office
Thiruvannamalai,
Thiruvannamalai District
- 3.The Regional Transport Officer
Chengalpet Regional Transport Office
Kanchipuram District.
- 4.The Inspector of Police
AChirupakkam Police Station
Kanchipuram District.
- 5.The Branch Manager
Tamil Nadu State Transport Corporation
Thiruvannamalai Sidco - III Depot
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 petitioner's original Driving License bearing DL No.TN 04 19910002524 and enable him to joint and continue his service in the 5th respondent Transport Corporation.

For Petitioner : Mr.B.Sundarapandiyan

For Respondent : Mr.O.Selvam
Government Advocate - for R2 to R4

O R D E R

Mr.O.Selvam, learned Government Advocate, takes notice for the respondents 2 to 4. 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 respondents 1 to 4 to return the petitioner's original Driving License bearing DL No.TN 04 19910002524 and enable him to joint and continue his service in the 5th respondent Transport Corporation.

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 09.04.2017, the petitioner's Driving License was seized by the 4th respondent and handed over to the 3rd respondent. According to the petitioner, FIR was registered in Crime No.267 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 to 4 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 3rd respondent to return

the original Driving License (DL No.TN 04 19910002524) 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.

Sd/-

Asst.Registrar (CS V)

/true copy/

Sub Asst. Registrar

Rj
To

- 1.The Transport Commissioner
Chepauk, Chennai - 600 005.
- 2.The Assistant License Issuing Authority
O/o Regional Transport Office
Thiruvannamalai,
Thiruvannamalai District
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- 5.The Branch Manager
Tamil Nadu State Transport Corporation
Thiruvannamalai Sidco - III Depot
Thiruvannamalai District.

+1cc to Mr.A.Rajesh Kanna, Advocate sr. 64617
+1cc to Mr.O.Selvam, Advocate sr. 64362
+1cc to the Government Pleader Sr. 64944

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AR(V)
VR(08/09/2017)