

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.09.2017

CORAM

THE HON'BLE Mr. JUSTICE M.DURAI SWAMY

W.P.No.24354 of 2017

K.Vadivel

... Petitioner

Vs.

1. The Regional Transport Officer
Chengalpet
Kancheepuram District.
 2. The Motor Vehicle Inspector
Unit office Buildings
Madhuranthagam.
- ... Respondents

Petition filed under Article 226 of The Constitution of India praying to issue a writ of mandamus to direct the 1st respondent to return the petitioner's original driving Licence Bearing No. TN 32 Z19910000285 within time stipulated by this Court.

For Petitioner : Mr.R.Nagalingam
For Respondent : Mr.P.V.Selvakumar
Additional Govt. Pleader

O R D E R

Mr.P.V.Selvakumar, learned Additional Government Pleader, 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 to direct the 1st respondent to return the petitioner's original driving Licence Bearing No. TN 32Z 19910000285 within a time frame.

3.It is the case of the petitioner that he is a Driver in the Tamil Nadu State Transport Corporation Limited, Kallakurichi Depot, Villupuram and in the accident that had occurred on 12.06.2017, the petitioner's Driving License was seized by the 2nd respondent and handed over to the 1st respondent. According to the petitioner, FIR was registered in Crime No.248 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.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)]].

6.Having regard to the submissions made by the learned counsel on either side, I direct the 1st respondent to return the original Driving License (TN 32Z 19910000285) 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 1st 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.

-s/d-
Assistant Registrar(CS-IV)

True Copy

Sub-Assistant Registrar

To

1. The Regional Transport Officer
Chengalpet
Kancheepuram District.
2. The Motor Vehicle Inspector
Unit office Buildings
Madhuranthagam.

+1 CC to Mr.R. Subburaj, Advocate sr 66110.

+1 Cc to Govt. Pleader sr 66420.

SP(18/09/2017)

W.P.No.24354 of 2017



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