

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.09.2017

CORAM

THE HON'BLE Mr. JUSTICE M.DURAI SWAMY

W.P.No.24418 of 2017

G.Pandurangan

[Petitioner]

Vs

The Regional Transport Officer
O/o Regional Transport Office,
Sholinganallur,
Chennai 600 119

[Respondent]

Petition filed under Article 226 of The Constitution of India praying to issue a writ of mandamus directing the respondent to return the petitioner's Driving License (TN-32 19810000405, pending disposal of the case in Crime No.337 of 2017 on the file of the Inspector of Police, Thambalur Police Station, Kancheepuram District.

For Petitioner : Mr.R.Prasadh

For Respondents : Mr.P.V.Selvakumar, AGP

O R D E R

Mr.P.V.Selvakumar, learned Additional Government Pleader takes notice for the respondent and by consent, the main writ petition 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 Driving License (TN-32 19810000405, pending disposal of the case in Crime No.337 of 2017, on the file of the Inspector of Police, Thambalur Police Station, Kancheepuram District.

3.It is the case of the petitioner that he is a Driver in the Hindustan University, Padar, Kancheepuram District and in the accident that had occurred on 19.07.2017, the petitioner's

Driving License was seized by the respondent for taking action. According to the petitioner, a criminal case in Crime No.337 of 2017 was registered against him under Sections 279, 337 and 304(A) IPC is under investigation.

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 respondent 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, following the ratio laid down in the said judgment, the 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 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.

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

s/d-
Assistant Registrar(CO)

True Copy
Sub-Assistant Registrar

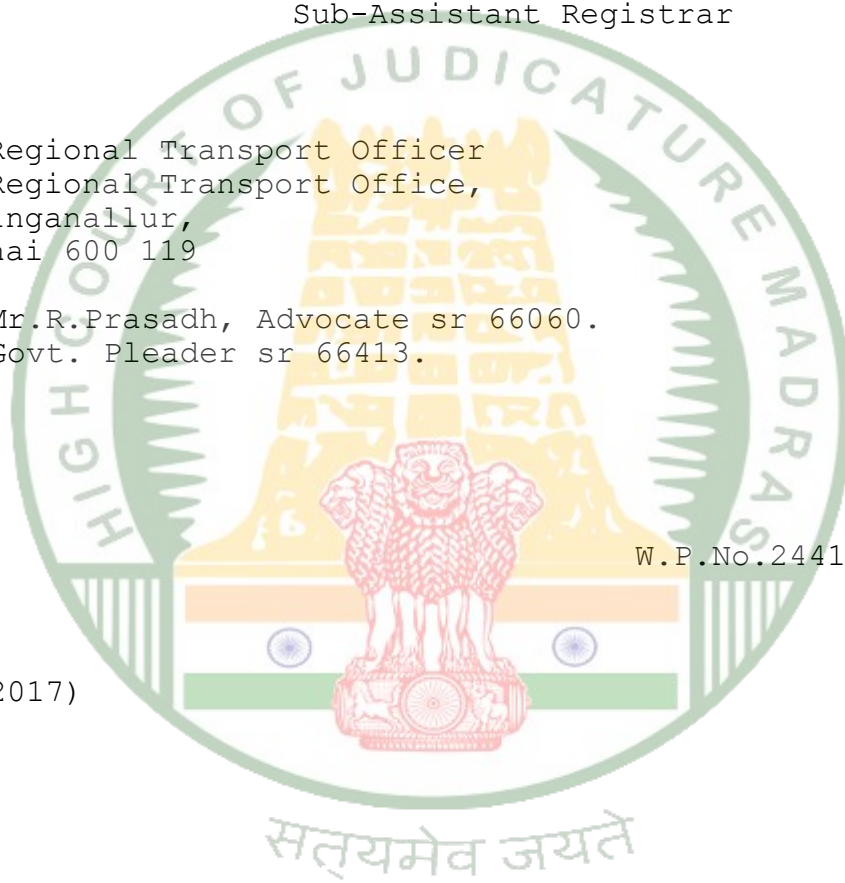
rg
To

The Regional Transport Officer
O/o Regional Transport Office,
Sholinganallur,
Chennai 600 119

+1 CC to Mr.R.Prasadh, Advocate sr 66060.
+1 CC to Govt. Pleader sr 66413.

W.P.No.24418 of 2017

SCD(CO)
sp(14/09/2017)



WEB COPY