

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.09.2017

CORAM

THE HON'BLE Mr.JUSTICE M.DURAI SWAMY

W.P.No.25209 of 2017

K.Murugan

... Petitioner

Vs.

1. The Inspector of Police,
Poraiyar Police Station,
Nagapattinam District.

2. The Licensing Authority cum-
Regional Transport Officer,
Mayiladuthurai,
Nagapattinam District.

... Respondents

Petition filed under Article 226 of The Constitution of India praying to issue a writ of mandamus directing the 2nd respondent herein to return the original driving license (DL No.TN24 20050001125) to the petitioner forthwith.

For Petitioner : Mr.K.Hariharan

For Respondent : Mr.O.Selvam
Government Advocate

O R D E R

Mr.O.Selvam, learned Government Advocate, 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 directing the 2nd respondent to return his original Driving License bearing DL No.TN24 20050001125 to him forthwith.

3. It is the case of the petitioner that he is a Driver in Sri Venteswara Bus Service, Hosur and in the accident that had occurred on 18.08.2017, the petitioner's Driving License was seized by the 1st respondent and handed over to the 2nd respondent. According to the petitioner, FIR was registered in Crime No.334 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 Government Advocate 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, I direct the 2nd respondent to return the petitioner's original Driving License bearing DL No.TN24 20050001125 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.

With these observations, the Writ Petition is allowed.
No costs.

Sd/-

Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

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To

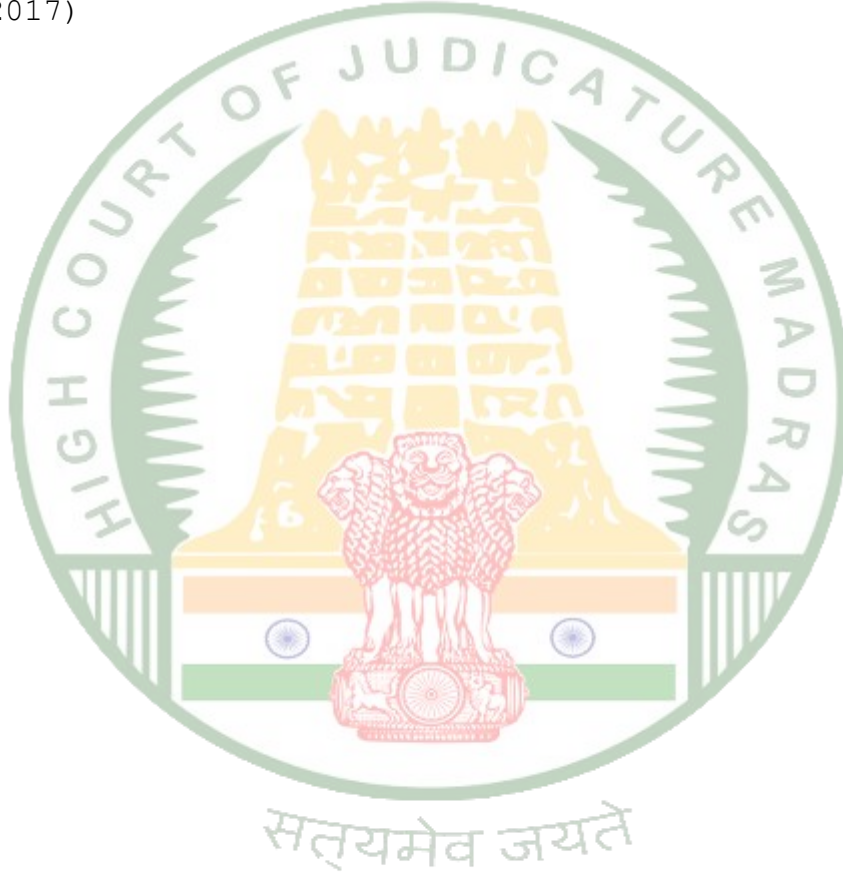
1. The Inspector of Police,
Poraiyar Police Station,
Nagapattinam District.

2. The Licensing Authority cum-
Regional Transport Officer,
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Nagapattinam District.

+1cc to Mr.O.Selvam, Advocate, S.R.No.68990
+1cc to Mr.K.Hariharan, Advocate, S.R.No.68704

W.P.No.25209 of 2017

CS IV
CA(22/09/2017)



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