

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.08.2017

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THE HON'BLE Mr. JUSTICE M.DURAI SWAMY

W.P.No.16957 of 2017

R.Suresh

... Petitioner

vs.

The Regional Transport Officer,
The Regional Transport Office,
Attur Division,
Salem District

... 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 original Driving License bearing DL No.TN-27Z-19940001223 - Endorsement No.TN77/DLR/0003533/2017 to the petitioner forthwith.

For Petitioner : Mr.C.Prakasam

For Respondent : Mr.S.Diwakar

Special Govt. Pleader

O R D E R

Mr.S.Diwakar, learned Special Government Pleader, takes notice for the respondent. 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-27Z-19940001223 - Endorsement No.TN77/DLR/0003533/2017 to him forthwith.

3.It is the case of the petitioner that he is a Driver in the Tamil Nadu State Transport Corporation Limited, Salem Region, Salem-I Division, Johnsonpettai II Branch and in the accident that had occurred on 06.06.2017, the petitioner's Driving License was seized by the Inspector of Police and handed over to the respondent. According to the petitioner, FIR was registered in Crime No.325 of 2017 under Section 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.S.Diwakar, learned Special 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, I direct the respondent to return the petitioner's original Driving License bearing DL No.TN-27Z-19940001223 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(J)

//True Copy//

Sub Assistant Registrar

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To

The Regional Transport Officer,
The Regional Transport Office,
Attur Division,
Salem District

+1cc to Mr.C.Prakasam, Advocate, S.R.No.60311