

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.07.2017

CORAM

THE HON'BLE Mr. JUSTICE M.DURAISWAMY

W.P.No.18512 of 2017

S.Sadasivam

... Petitioner

Vs.

The Regional Transport Officer,
The Regional Transport Office,
Tirupur South, Tirupur.

... Respondent

Petition filed under Article 226 of The Constitution of India praying to issue a writ of mandamus to direct the respondent to return the petitioner's original Driving License bearing DL No.TN 47-19990004075 and Endorsement No.TN47Y/DLA/0000050/2015 to the petitioner forthwith.

For Petitioner : Mr.C.Prakasam

For Respondent : Mr.R.Venkatesh,
Government Advocate

ORDER

The petitioner has filed the above Writ Petition to issue a writ of mandamus to direct the respondent to return the petitioner's original Driving License bearing DL No.TN 47-19990004075 and Endorsement No.TN47Y/DLA/0000050/2015 to the petitioner forthwith.

2.It is the case of the petitioner that he is a Driver in the Tamil Nadu State Transport Corporation Limited, Erode Region, Tirupur Division, Kangeyam Branch and in the accident that had occurred on 14.06.2017, 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.514 of 2017 under Section 279 and 304-A of IPC.

3.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."

4. Mr.R.Venkatesh, 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)]].

5.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 (DL No.TN 47-19990004075) 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 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.

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

Sd/-

सत्यमेव जयते
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

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To

The Regional Transport Officer,
The Regional Transport Office,
Tirupur South, Tirupur.

+1cc to Mr.C.Prakasam, Advocate, S.R.No.51489

W.P.No.18512 of 2017

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CA(01/08/2017)