

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.07.2017

CORAM

THE HON'BLE Mr. JUSTICE M.DURAISWAMY

W.P.No.18613 of 2017

K.Yesukumar

[Petitioner]

Vs

- 1 Inspector of Police
Traffic Investigating Wing Coimbatore East
Coimbatore.
- 2 The Licensing Authority-cum-
The Regional Transport Officer Coimbatore
South Peelamedu Coimbatore. [Respondents]

Petition filed under Article 226 of The Constitution of India praying to issue a writ of mandamus directing the 2nd respondent hereinto return the Original Driving Licence (DL. No. TN- 38 -20060011797) the Petitioner herein forthwith.

For Petitioner : Mr.K.Hariharan

For Respondents : Mr.R.Venkagtesh, GA

The petitioner has filed the above Writ Petition to issue a writ of mandamus directing the 2nd respondent to return the Original Driving Licence (DL. No. TN- 38 -20060011797) to him, forthwith.

2. It is the case of the petitioner that he is a Driver in the Tamil Nadu State Transport Corporation, Coimbatore and in the accident that had occurred on 09.07.2017, the petitioner's Driving License was seized by the 1st respondent and has sent his original driving license along with a report to the 2nd respondent for taking action. According to the petitioner, the criminal case filed as against him is under investigation and no charge sheet has been filed.

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 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)]].

5. Having regard to the submissions made by the learned counsel on either side, following the ratio laid down in the said judgment, the 2nd 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 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.

सत्यमेव जयते

Sd/-

Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

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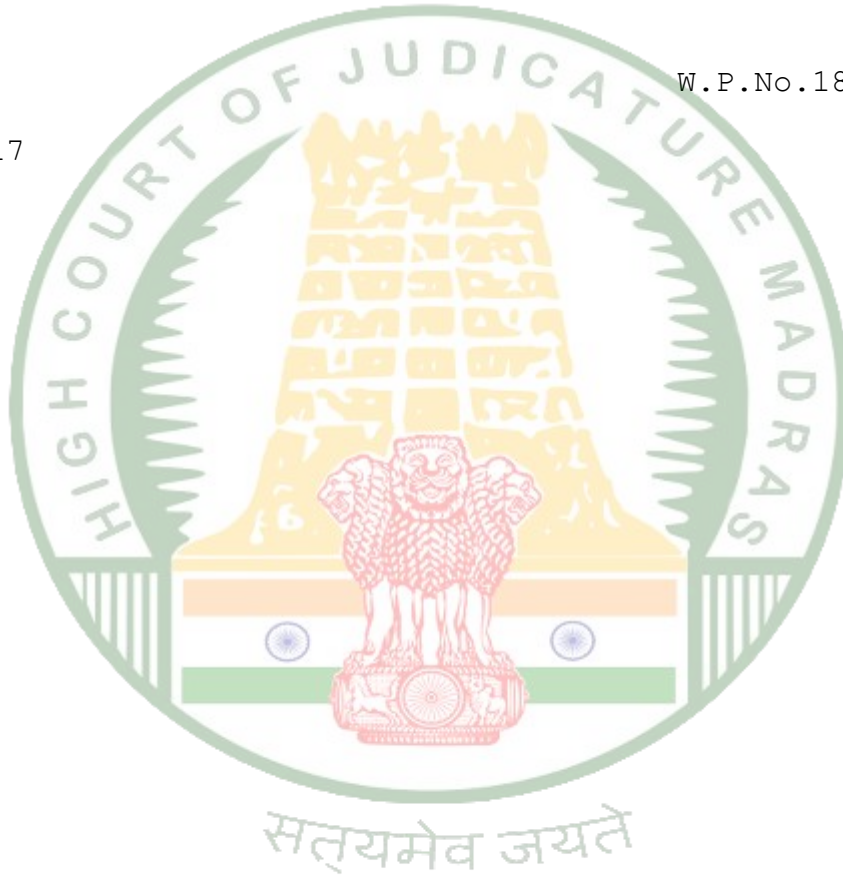
To

- 1 Inspector of Police
Traffic Investigating Wing Coimbatore East
Coimbatore.
- 2 The Licensing Authority-cum-
The Regional Transport Officer Coimbatore
South Peelamedu Coimbatore.

+lcc to Mr.K.Hariharan, Advocate, S.R.No.51315
+lcc to the Government Pleader, S.R.No.51979

W.P.No.18613 of 2017

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