

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.07.2017

CORAM

THE HON'BLE Mr. JUSTICE M.DURAISWAMY

W.P.No.18639 of 2017

R.Sekar

[Petitioner]

Vs

- 1 The Transport Commissioner
Chepauk Chennai-600 005
 - 2 The Assistant Licence Issuing
Authority O/o Regional Transport Office
Tambaram Kanchipuram District.
 - 3 The Regional Transport Officer
O/o Regional Transport Office
Sholinganallur Kancheepuram District.
 - 4 The Inspector of Police
Traffic Investigation Wing St.Thomas Mount
Police Station St.Thomas Mount Chennai.
 - 5 The Branch Manager
Metropolitan Transport Corporation
Chrompet Depot Chennai-600 044
- [Respondents]

Petition filed under Article 226 of The Constitution of India praying to issue a writ of mandamus directing the respondents 1 to 4 to return the petitioners driving License in D.L.No.TN 01 19870005798 enable him to join and continue his service in the 5th respondent transport corporation.

For Petitioner : Mr.B.Sundara Pandiyan

For Respondents : Mr.O.Selvam, GA

O R D E R

The petitioner has filed the above Writ Petition to issue a writ of mandamus directing the respondents 1 to 4 to return his driving License in D.L.No.TN 01 19870005798 to enable him to join and continue his service in the 5th respondent Transport Corporation.

2.It is the case of the petitioner that he is a Driver in the Metropolitan Transport Corporation, Chrompet Depot Chennai and in the accident that had occurred on 16.06.2017, the petitioner's Driving License was seized by the 4th respondent and the same was handed over to the 3rd respondent for cancellation of license. According to the petitioner, the criminal case filed as against him is under investigation.

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.O.Selvam, learned Government Advocate 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 3rd 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.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

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To

- 1 The Transport Commissioner
Chepauk Chennai-600 005
- 2 The Assistant Licence Issuing
Authority O/o Regional Transport Office
Tambaram Kanchipuram District.
- 3 The Regional Transport Officer
O/o Regional Transport Office
Sholinganallur Kancheepuram District.
- 4 The Inspector of Police
Traffic Investigation Wing St.Thomas Mount
Police Station St.Thomas Mount Chennai.
- 5 The Branch Manager सत्यमेव जयते
Metropolitan Transport Corporation
Chrompet Depot Chennai-600 044

+1cc to M/s.A.Rajesh Kanna, Advocate, S.R.No.51300/17
+1cc to the Government Pleader, S.R.No.51978/17

W.P.No.18639 of 2017

CU(25/07/2017)