



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.02.2017

CORAM:

THE HON'BLE MR.JUSTICE S.VAIDYANATHAN

W.P.(MD) No.596 of 2017

and

W.M.P (md) Nos.468&469/2017

Ganesan

... Petitioner

-vs-

1. The Regional Transport Officer,
The Regional Transport Office,
Sankarankovil,
Tirunelveli District.

2. The Inspector of Police,
Puliangudi Police Station,
Tirunelveli District.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India for the issuance of a Writ of Certiorified Mandamus to call for the records relating to the impugned order dated 14.12.2016 made in Se.Mu. Order No.24565/B3/2016 passed by the 1st Respondent, quash the same and issue consequential direction, directing the 1st Respondent to return the original driving license bearing No.TN-76-Z-200 900 02100.

For Petitioner : Mr.P.T.Thiraviam
For Respondents : Mr.K.P.Krishna Doss
Govt.Advocate.

O R D E R

The petitioner has filed this writ petition, seeking to quash the order of the 1st respondent, relating to the proceedings in Se.Mu. Order No.24565/B3/2016 dated 14.12.2016, by which the driving license of the petitioner was ordered to be suspended from 20.10.2016 to 19.04.2017. The petitioner also seeks a direction to the 1st Respondent to return the original driving license bearing No.TN-76-Z-200 900 02100.

2. Heard the learned counsel for the petitioner and the learned Government Advocate appearing for the respondents.

3. Learned counsel for the petitioner submits that though the <https://hdservices.mca.gov.in/cs/index.html> did not happen on account of the mistake committed by the petitioner, who has driven the Tamil Nadu State Transport Corporation bus on 20.10.2016, the licence of the



petitioner has been suspended by the 1st respondent. Hence, he has come forward with this writ petition.

4. Though learned counsel for the petitioner, in support of his contention, has heavily relied on a reported judgment of this Court in the case of R.Ravi vs. The Regional Transport Officer, Chennai, reported in 2015 (2) CTC 626, I am inclined to follow the decision of the Hon'ble Justice S.Nagamuthu, rendered in W.P.(MD) No.18186 of 2013 dated 14.11.2013, as the said order has taken into account various provisions of Motor Vehicles Act, 1988. The relevant portion of the order passed by this Court in W.P.(MD) No.18186 of 2013 dated 14.11.2013 is extracted as under:

"5. Having regard to the above position, this Court is inclined to pass the following orders:

"The respondent is directed to return the driving licence to the Investigation Officer in Crime No.208/2013 on the file of the Samayapuram Police Station, who shall, in turn, issue an acknowledgment to the petitioner and then, produce the same before the jurisdictional Magistrate and the learned Magistrate, in turn, shall exercise his power under Section 206(1) of the MV Act and return the licence to the petitioner."

5. Considering the fact that the issue involved in the instant case is squarely covered by the decision of this Court in W.P.(MD) No.18186 of 2013 dated 14.11.2013, this Court is also inclined to pass the similar order as under:

"The respondent is directed to return the driving licence of the petitioner bearing No. TN-76-Z-200 900 02100 to the Investigating Officer in Crime No.369 of 2016 on the file of the Puliangudi Police Station, who shall, in turn, issue an acknowledgment to the petitioner and then, produce the same before the jurisdictional Magistrate and the learned Magistrate, in turn, shall exercise his power under Section 206(1) of the MV Act and return the licence to the petitioner."

6. With the above direction, this Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar

/True copy/

Sub Assistant Registrar



To:

1 The Regional Transport Officer,
The Regional Transport Office,
Sankarankovil,
Tirunelveli District.

2. The Inspector of Police,
Puliangudi Police Station,
Tirunelveli District.

+1cc to Special Government Pleader, SR.6910

+1cc to Mr.P.T.Thiravium, Advocate, SR.6368

W.P (MD) No.596 of 2017
07.02.2017

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