

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 29.03.2019
CORAM
THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR
W.P.No.9316 of 2019

N.Arulkumar

... Petitioner

vs.

1.The Regional Transport Officer,
Regional Transport Officer,
Poonamallee, Chennai.

2.The Inspector of Police,
T-12, Transport Investigation Section,
Senneerkuppam,
Poonamallee, Chennai.

3.The Branch Manager,
The Tamil Nadu State Transport Corporation,
Hosur Sub urban Branch,
Dharmapuri Zone.

... Respondents

PRAYER: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Mandamus directing the first respondent to return the petitioner's original driving license by considering his representation dated 18.03.2019 within the time frame fixed by this Court.

For Petitioner : Mr.K.Gandhikumar

For Respondents 1 & 2 : Mr. B.Anand
Government Advocate

O R D E R

This writ petition has been filed to direct the first respondent to return the petitioner's original driving license by considering his representation dated 18.03.2019.

2. By consent of both the parties, the writ petition is taken up for final disposal at the admission stage itself.

3. According to the petitioner, a criminal case has been registered against the petitioner in Crime No.377 of 2019 under Sections 279, 304(A) of IPC and during enquiry, the original driving license was seized by the second respondent police. In order to get back the same, the petitioner made a representation on 18.03.2019, to the first respondent, to return the original

driving license and since till date, no order has been passed, the petitioner has filed the present writ petition.

4. Learned Government Advocate appearing for the respondents 1 and 2 submitted that, the driving license which was seized by the second respondent was forwarded to the first respondent and the said representation can be considered only by the first respondent. He drew the attention of this Court to paragraph No.3 of the order dated 26.03.2019 passed in W.P.No.8970 of 2019 which is extracted hereunder:

"3.The learned counsel for the petitioner is relying upon the order dated 14.03.2019 passed by this Court in W.P.No.5807 of 2019 and the relevant paragraphs are extracted as under:

" the prayer in the writ petition is for issuance of Writ of Mandamus, to direct the second respondent to return the original driving license (Dl.No.TN 37 1983 0001777) to the petitioner forthwith.

2.The learned counsel for the petitioner would submit that the issue involved in this Writ Petition is squarely covered by the decision of this Court in W.P.No.5009 of 2019 & etc., batch, dated 05.03.2019 and this was also fairly acceded by the learned Special Government Pleader. Hence, the order passed in W.P.No.5009 of 2019 and etc., batch dated 05.03.2019 will hold good for present Writ Petition also.

3.Accordingly, this Writ Petition is disposed of with the following directions:-

(1) The petitioner is permitted to make an application to the Regional Transport Officer concerned, within a period of one week from the date of receipt of a copy of this order;

(ii) if any application is received, the Regional Transport Officer concerned shall consider such application and pass appropriate orders for issuing temporary acknowledgment as per Section 206(3) of the Motor Vehicles Act within a period of one week thereafter;

(iii) It is made clear that such application will be considered only on receipt of the original driving license from the concerned Station House Officer.""

The learned Government Advocate also submitted that this writ petition may be disposed of in terms of the aforesaid order dated 26.03.2019 passed in W.P.No.8970 of 2019.

4. Considering the submissions of both the counsel and in the light of the order passed in W.P.No.8970 of 2019, this Court is inclined to direct the first respondent to consider the petitioner's representation dated 18.03.2019 and pass order as expeditiously as possible, preferably within a period of two weeks from the date of receipt of a copy of this Order.

5. With the above directions, the writ petition is disposed of. However, there shall be no order as to costs.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

To

- 1.The Regional Transport Officer,
Regional Transport Officer,
Poonamallee, Chennai.
- 2.The Inspector of Police,
T-12, Transport Investigation Section,
Senneerkuppam,
Poonamallee, Chennai.
- 3.The Branch Manager,
The Tamil Nadu State Transport Corporation,
Hosur Sub urban Branch,
Dharmapuri Zone.

+1cc to Mr.K.Gandhikumar, Advocate sr.30158
+1cc to Government Pleader sr.31049

W.P.No.9316 of 2019

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nr 09/05/2019