

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 04.04.2019

Coram

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P.No.10011 of 2019

M.Shankar

...Petitioner

Versus

- 1.The Transport Commissioner,
Chepauk,
Chennai - 600 005.
- 2.The Assistant License Issuing Authority,
Cheyyar,
Tiruvannamalai District.
- 3.The Regional Transport Officer,
Chennai (West), K.K.Nagar,
Chennai - 600 078.
- 4.The Inspector of Police,
Traffic Investigation Wing,
J3, Guindy Police Station,
Chennai.
- 5.The Branch Manager,
Metropolitan Transport Corporation,
Saidapet Depot,
Chennai.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the respondents 1 to 4 to return the petitioner's driving license in D.L.No.TN 25 Z 1998 0001241 and enable him to join and continue his service in the fifth respondent Transport Corporation.

For Petitioner : Mr.A.Rajesh Kanna

For Respondents - 1 to 4 : Mr.V.Shanmugasundar,
Special Govt. Pleader

O R D E R

With consent of both sides, this Writ Petition is taken up for final disposal.

2. The relief sought for in this Writ Petition is to direct the respondents 1 to 4 to return the petitioner's driving license in D.L.No.TN 25 Z 1998 0001241 and enable him to join and continue his service in the fifth respondent/Transport Corporation.

3. The petitioner herein was appointed as a driver on 20.09.2010 in the fifth respondent/Metropolitan Transport Corporation and posted at Saidapet Depot. On 09.02.2019, while the petitioner was on duty, the bus bearing Registration No.TN 01 N 5450 driven by him in Route No.19 B/K Service met with an accident. Though there was no fault on the part of the petitioner, the fourth respondent/Police registered a case against him for offences under Sections 279, 304(a), and 337 I.P.C in Crime No.103/S2/2019. The fourth respondent/Police also seized the driving license of the petitioner and forwarded it to the office of the third respondent/Regional Transport Officer (RTO) for cancellation of the same and directed the petitioner to appear before the third respondent/RTO on 13.02.2019. Before seizing the driving license of the petitioner, neither the third respondent nor the fourth respondent have issued any show cause notice under Section 19(1) of the Tamil Nadu Motor Vehicle Act to the petitioner. Pursuant to the above, the petitioner remain unemployed since 09.02.2019 to till date. On 15.03.2019, the petitioner made a representation to the respondents requesting them to return his driving license. But the same was not considered by the respondents. Aggrieved by this, the petitioner has come before this Court.

4. The learned counsel for petitioner further submitted that when dealing with the similar circumstances in W.P.No.5807 of 2019, this Court directed the Authorities concerned to return the driving license of the petitioner therein. Therefore, the learned counsel prayed that similar direction may be issued in this case.

5. The learned Special Government Pleader appearing for respondents 1 to 4 submitted that this Court has to consider the Rule 206(3) of the Tamil Nadu Motor Vehicle Act and pass orders directing the Authorities concerned to consider the Application of the petitioner.

6. Heard Mr.A.Rajesh Kanna, learned counsel for petitioner and Mr.V.Shanmuga Sundar, learned Special Government Pleader for respondents 1 to 4 and perused the order passed by this Court in

W.P.No.5807 of 2019 dated 14.03.2019.

7. In view of the submissions made by the counsels on both sides and in the light of the order passed by this Court in W.P.No.5807 of 2019 dated 14.03.2019, this Court directs the third respondent to consider the petitioner's representation and pass appropriate orders on merits and in accordance with law as expeditiously as possible within a period of two weeks from the date of receipt of a copy of this order.

8. This Writ Petition is disposed of with the above direction. However, there shall be no order as to costs.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

mrr

To

- 1.The Transport Commissioner,
Chepauk,
Chennai - 600 005.
- 2.The Assistant License Issuing Authority,
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Tiruvannamalai District.
- 3.The Regional Transport Officer,
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- 4.The Inspector of Police,
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J3, Guindy Police Station,
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- 5.The Branch Manager,
Metropolitan Transport Corporation,
Saidapet Depot,
Chennai.

+1cc to Mr.A.Rajesh Kanna, Advocate, S.R.No.32428

W.P.No.10011 of 2019

VGI (CO)
RRS (05/04/2019)