

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.04.2019

CORAM

THE HONOURABLE Mr.JUSTICE D.KRISHNAKUMAR

W.P.No.13393 of 2019

S.Udaya Suriyan

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Petitioner

Vs.

1.The Transport Commissioner,
Chepauk, Chennai - 600 005.

2.The Assistant License Issuing Authority,
The Regional Transport Officer,
Chennai (West), K.K.Nagar,
Chennai - 600 078.

3.The Inspector of Police,
Traffic Investigation Wing,
J3, Guindy Police Station,
Chennai.

4.The Branch Manager,
Metropolitan Transport Corporation,
K.K.Nagar Depot,
Chennai.

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Respondents

Prayer:- The Writ Petition is filed under Article 226 of the Constitution of India, seeking for issuance of Writ of Mandamus, directing the respondents 1 to 3 to return the petitioner's driving license in D.L.No.TN 27 1987 0000786, so as to enable him to join and continue his service in the fourth respondent Transport Corporation.

For Petitioner : Mr.A.Rajesh Kanna

For Respondents : Mr.V.Shanmuga Sundar
Special Government Pleader for R1 to R3

O R D E R

Mr.V.Shanmuga Sundar, learned Special Government Pleader takes notice for the respondents 1 to 3. By consent, this Writ Petition is taken up for final disposal.

2. In this Writ Petition, the petitioner seeks for a direction to the respondents 1 to 3 for return of his original driving license bearing No.TN 27 1987 0000786 so as to enable him to join and continue his service in the fifth respondent Transport Corporation.

3. The case of the petitioner is that while he was driving a bus bearing registration No.TN-01-N-4367, an accident was occurred and due to which, a pillion rider died. Pursuant to the said accident, the fourth respondent registered a case against the petitioner in Crime No.240 of 2019 under Sections 279 & 304-A of IPC. According to the petitioner, he made an application to the respondents for return of the original driving license, but the same was not considered.

4. The learned counsel for the petitioner now undertakes to file a fresh application to the third respondent for return of the original driving license under Section 206 of the Motor Vehicles Act.

5. In reply, the learned Special Government Pleader appearing for the respondents would submit that if such application is filed by the petitioner, the same shall be considered in the light of the orders passed in W.P.No.5009 of 2019 & etc, batch, dated 14.03.2019.

6. In view of the above submissions, this Writ Petition is disposed of with the following directions:-

(i) 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.

No costs.

Sd/-
Assistant Registrar (CS-IV)

//True copy//

Sub Assistant Registrar

r n s

To

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

+1cc to Mr.A.Rajesh Kanna, Advocate SR.No.42135

+1cc to Government Pleader SR.No.43244

W.P.No.13393 of 2019

RGN(CO)
GMY(07/06/2019)