

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.07.2019

CORAM

THE HONOURABLE Mr.JUSTICE M.DHANDAPANI

W.P. 21915 of 2019
and
W.M.P. 21139 of 2019

V.Santhapandi

... Petitioner

Vs

The Licensing Authority,
Regional Transport Officer,
K.K.Block,
Avinashi Road,
Kumar Nagar,
Tiruppur-641 603.

... Respondent

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the respondent to return forthwith the petitioner's original driving license bearing No.TN41 1987-0001920 without any endorsement and within a specified time as may be fixed by this Court.

For Petitioner : Mr.R.Krishnaswamy

For Respondents : Mrs.A.Rajalakshmi,
Addl. Govt. Pleader

O R D E R

This Writ Petition has been filed seeking a direction directing the respondent to return forthwith the petitioner's original driving license without any endorsement and within a specified time as may be fixed by this Court.

2. The case of the petitioner is that he has joined in the service of Tamil Nadu State Transport Corporation (Coimbatore) Ltd. as a driver on 17.02.1993. Thereafter, he became permanent with effect from the date of completion of 240 days. While being so, on 20.06.2019, the petitioner was assigned duty in Route No.A14/A32 in the bus bearing No.TN38 N-2552, which is plying between Somanur and Tiruppur. Accordingly, he took the bus from Somanur in the second single at 06.50 p.m. and when he proceeded

to Tiruppur, he reached Kumaran Nagar bus stop at about 08.20 p.m. 2 nos. of two wheelers came from same direction tried to overtake the bus, thereby the accident was occurred. Hence, a criminal case was registered and immediately after the registration of the criminal case, the petitioner's license was seized and the same was handed over to the respondent, which is against the decision of this Court. Without conducting any enquiry, seizure of the petitioner's license is unsustainable one. Hence, he has filed the present Writ Petition.

3. The learned Addl. Government Pleader appearing for the respondent, on instructions, would submit that the license will be returned. However, the respondent may be directed to proceed with the adjudication and the liberty may be granted to the petitioner to participate in the adjudication as per law.

4. In view of the above, this Court is inclined to issue a direction to the respondent to return the license within a period of one week from the date of receipt of the copy of this order. Accordingly, the present Writ Petition stands disposed of. No costs. Consequently, connected Writ Miscellaneous Petition is closed.

Sd/-
Assistant Registrar (Insp.Cell)

//True Copy//

Sub Assistant Registrar

rpp

To

The Licensing Authority,
Regional Transport Officer,
K.K.Block, Avinashi Road,
Kumar Nagar, Tiruppur-641 603.

+1 cc to Mr.V.Ajoy Khose, Advocate, S.R.No.64423

WEB COPY

W.P. 21915 of 2019

and

W.M.P. 21139 of 2019

NRJK(CO)
SSM(29/07/2019)