

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 16.08.2019

Coram:

THE HONORABLE DR.JUSTICE G.JAYACHANDRAN

Writ Petition No.23370 of 2019

V.Kapali

.. Petitioner

/versus/

1.The Transport Commissioner,
Chepuak, Chennai 600 005.

2.The Deputy Commissioner of Police,
Traffic North,
Nodal Officer, Chennai 600 006.

3.The Regional Transport Officer,
O/o Regional Transport Office,
Dhrakast Road, West Tambaram,
Chennai 600 045.

4.The Inspector of Police,
TIW, Chrompet,
Chennai 600 044.

5.The Branch Manager,
Chrompet-I, Depot,
Chrompet 600 044.

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondents 1 to 4 to return the petitioner's driving license in D.L.No.TN22 19860000097 and enable him to join and continue his service in the 5th respondent Transport Corporation.

For Petitioner :Mr.A.Rajesh Kanna

For Respondents:Mrs.P.Rajalakshmi, AGP for
R1 to R4
Mr.P.Kannan Kumar for R5

O R D E R

The case of the petitioner is that the petitioner while driving the bus bearing Reg.No.TN 01 N 4223 caused accident and a 75 years old man died. The said accident was neither due to rashness or negligence, but due to the old man got slept due to fitness. His driving license has been taken away by the fourth respondent and the third respondent is holding over the license of the petitioner. Hence, the petitioner seeks a direction to direct the respondents to return his driving license.

2. The learned Additional Government Pleader appearing for the respondents 1 to 4 submits that pursuant to the accident, case has been registered against the petitioner under Sections 279 and 338 of the IPC in Crime No.307 of 2019 by the fourth respondent. The driving license of the petitioner was seized by the police-fourth respondent and the same has been forwarded to the second respondent-Deputy Commissioner of Police. The third respondent considered the representation given by the petitioner as well as the proceedings of the second respondent contemplating to initiate enquiry proceedings under Section 19 (1) of the Motor Vehicles Act.

3. From the typed set of papers, it appears that the Inspector of Police, Chrompet the fourth respondent herein has submitted his proposal for cancellation of driving license of the petitioner along with others and the said proposal to the Deputy Commissioner of Police has been forwarded only on 20.07.2019 which in turn has been sent to the third respondent to proceed in accordance with law.

4. In the said circumstances, this writ petition is disposed of directing the third respondent to cause notice to the petitioner, conduct enquiry in accordance with law and pass orders on merits, within a period of four weeks, from the date of receipt of a copy of this order. No costs.

Sd/-

Assistant Registrar (Insp.cell)

//True Copy//

Sub Assistant Registrar

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To:

1.The Transport Commissioner,
Chepuak, Chennai 600 005.

2.The Deputy Commissioner of Police,
Traffic North,
Nodal Officer, Chennai 600 006.

3.The Regional Transport Officer,
O/o Regional Transport Office,
Dhrakast Road, West Tambaram,
Chennai 600 045.

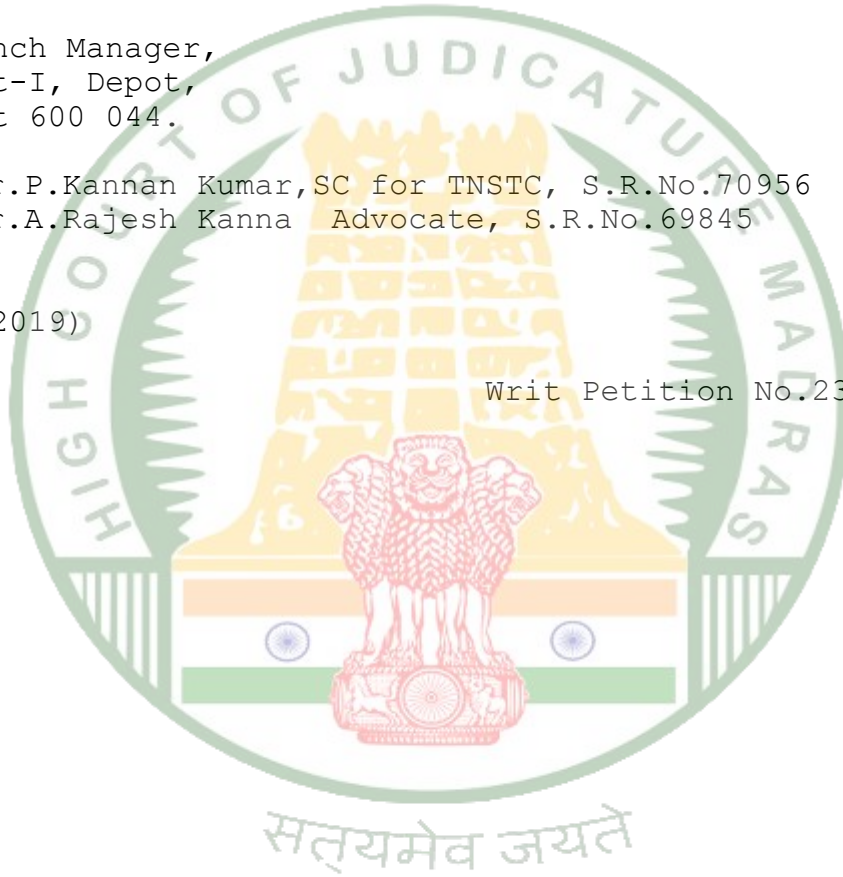
4.The Inspector of Police,
TIW, Chrompet,
Chennai 600 044.

5.The Branch Manager,
Chrompet-I, Depot,
Chrompet 600 044.

+lcc to Mr.P.Kannan Kumar,SC for TNSTC, S.R.No.70956
+lcc to Mr.A.Rajesh Kanna Advocate, S.R.No.69845

PPA(CO)
CB(24/09/2019)

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