

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 13.11.2019

CORAM:

THE HONOURABLE DR. JUSTICE G.JAYACHANDRAN

Writ Petition No.31096 of 2019

M.Kumaresan

.. Petitioner

/versus/

1.The Regional Transport Officer (RTO),
Licensing Authority,
Regional Transport Office,
Vellore-Tiruvannamalai Road,
Near District Collector Office,
Vengikkal, Tiruvannamalai-606 604.

2.The Inspector of Police,
Traffic Investigation Wings,
J-3, Guindy Police Station,
Chennai-600 032. .. Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the 1st respondent to return Driving License No.T.N.25 1992 0000842, issued on 15.07.1992 Transport Vehicle valid up to 06.07.2021 of the petitioner, which was seized in connection with Cr.No.599/J3TIW/2019 on the file of J-3 Guindy Traffic Investigation Wing, Guindy Chennai-600 032, the 2nd respondent, Investigation Officer, who shall, in turn issue an acknowledgment to the petitioner and then produce the same before the jurisdictional Magistrate and the learned Magistrate, in turn shall exercise his/her power under Section 206 of the Motor Vehicles Act, 1988 and return the Driving License to the petitioner.

For petitioner : Mr.R.Ravindran
For Respondents : Mr.N.Inbanathan
Addl.Govt.Pleader

O R D E R

Heard the learned counsel for the petitioner and the learned Additional Government Pleader for the respondents.

2. The learned counsel for the petitioner would submit that the petitioner herein is a driver in the Metro Transport Corporation, Chennai attached to Vadapalani Branch Workshop. On 25.09.2019, while plying the bus from Pattinapakkam to C.M.B.T. Koyambedu, near Arcot Road to Ashok Nagar, the bus hit a two wheeler causing death of the rider of the two wheeler. Hence, a criminal case has been registered against him by the Guindy Traffic Investigation Wing in Cr.No.599/J3TIW/2019 under Section 279 and 304(A) IPC. On 25.09.2019, the 2nd respondent seized his driving license and forwarded it to the 1st respondent. Till date the same has not been handed over to him. The accident was not occurred due to his negligence, but clearly due to fault of the two wheeler, she has carried gunny bag in the foot rest in the two wheeler.

3. The learned Additional Government Pleader appearing for the respondents would submit that the driving license of the petitioner was seized by the 2nd respondent and forwarded to the Regional Transport Officer, Chennai (West) for necessary action. The Regional Transport Officer, Chennai (West) has to forward the driving license to the concerned RTO at Tiruvannamalai, who is the authority issued the driving license.

4. The license of the petitioner has been seized on 25.09.2019. So far no enquiry under Section 19 of the Motor Vehicles Act has been initiated. It appears that the license in the Regional Transport Officer, Chennai (West) has not yet been forwarded to the concerned authority who issued the driving license.

5. In such circumstances, the Regional Transport Officer, Chennai (West) is directed to return the driving license to the petitioner and the 1st respondent shall initiate the proceedings under Section 19 of the Motor Vehicles Act, if necessary and on completion of due enquiry, the petitioner may be asked to surrender his driving license if necessary to comply the order likely to be passed in the enquiry proceedings. Till then the petitioner is entitled to have the driving license.

6. With the above directions, this writ petition is disposed of. No costs.

Sd/-
Assistant Registrar(insp cell)

//True Copy//

Sub Assistant Registrar

rpl
To

1.The Regional Transport Officer (RTO),
Licensing Authority,
Regional Transport Office,
Vellore-Tiruvannamalai Road,
Near District Collector Office,
Vengikkal, Tiruvannamalai-606 604.

2.The Inspector of Police,
Traffic Investigation Wings,
J-3, Guindy Police Station,
Chennai-600 032.

Copy to:

The Regional Transport Officer, Chennai (West),
KK.Nagar, Chennai.

+1cc to Mr.R.Ravindran , Advocate SR.No. 94142

+1 cc to Government Pleader Sr.No. 94634

W.P.No.31096 of 2019

A.SK(15/11/2019)

सत्यमेव जयते

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