



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.03.2022

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

W.P.No.5538 of 2022
and
W.M.P.No.5641 of 2022

P.Muthukaruppan

...Petitioner

Vs.

1.The Regional Transport Officer,
Licensing Authority,
Transport Department,
RTO, Villupuram.

2.Inspector of Police,
Tiruvonnainallur Police Station,
Villupuram.
(Crime No.108/2022)

...Respondents

Prayer : Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, directing the 1st respondent to return forthwith the petitioner's original driving license bearing No.TN3919960003775, without any condition and endorsement and within a specified time as fixed by this Court and award costs.

For Petitioner : Mr.T.Anbazhagan

For Respondents : Mr.R.Kumaravel
Additional Government Pleader

O R D E R

This Writ Petition is filed for issuance of Writ of Mandamus, directing the 1st respondent to return forthwith the petitioner's original driving license bearing No.TN3919960003775, without any condition and endorsement within a specified time as fixed by this Court and award costs.

2.Heard the learned counsel appearing for the petitioner as well as the learned Additional Government Pleader appearing for the respondents and perused the entire materials available on record.



WEB GATES

3.The petitioner is working as Driver in Tamil Nadu State Transport Corporation (Kumbakonam) Limited from the year 2008 and was working at Tiruchirappalli Division Depo (Trichy Mofsel). On 04.02.2022, he was assigned duty to ply the bus between Trichy and Chennai. At about 08.15 P.M., while he crossed Karadipakkam, Tiruvennainallur Taluk, Villupuram, one unknown man crossed the Highway road and he suddenly returned back from mid pathway of the road. Though the petitioner stopped the bus which was moving at a moderate speed, the accident occurred and the said victim got injured in his head and died. However, based on the complaint given by the brother of the victim, the 2nd respondent registered a case in Crime No.108 of 2022 on 05.02.2022, under Sections 279 & 304A of IPC. Based on registration of F.I.R., the 2nd respondent seized the original driving license of the petitioner and handed over the original driving license of the petitioner to the 1st respondent. The 1st respondent also, without issuing any notice and without conducting any enquiry, is keeping the original driving license with him. The employer of the petitioner, by the order dated 09.02.2022, suspended the petitioner from his service. The 1st respondent issued a show cause notice dated 23.02.2022 and the petitioner received the same on the same day in person. Thereafter, the petitioner submitted his explanation on 02.03.2022 to the 1st respondent and the officials in the office of the 1st respondent received the said explanation on the same day. The petitioner was not given any opportunity of hearing and also he was not allowed to meet the 1st respondent. Further, officials of the 1st respondent orally informed the petitioner that no final order would be passed and the original driving license will be returned only after six months. Hence, the petitioner has come out with the present Writ Petition.

4.Mr.R.Kumaravel, learned Additional Government Pleader appearing for the respondents submitted that the petitioner caused fatal accident and it is a cognizable offence. In view of the same, the petitioner's original driving license will be returned only after six months and prayed for dismissal of the Writ Petition.

5.Considering the above submissions of the learned counsel appearing for the petitioner and learned Additional Government Pleader appearing for the respondents, the 1st respondent is directed to issue temporary acknowledgment to the petitioner within three days from the date of receipt of a copy of this order. Further, the 1st respondent is directed to consider the explanation of the petitioner dated 02.03.2022 to the show cause notice issued to him and pass orders within two weeks thereafter.



6. With the above directions, the Writ Petition is disposed of. Consequently, connected Miscellaneous Petition is closed. No costs.

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Sd/-
Assistant Registrar (CS-V)

//True Copy//

Sub Assistant Registrar

krk

To

1. The Regional Transport Officer,
Licensing Authority,
Transport Department,
RTO, Villupuram.

2. Inspector of Police,
Tiruvannainallur Police Station,
Villupuram.

+1cc to Mr. S. Sakthivel, Advocate, S.R.No.19585

+1cc to the Government Pleader, S.R.No.20341

W.P.No.5538 of 2022

NR(CO)
RVM(25/03/2022)