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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.03.2022

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

W.P.NO.6303 OF 2022

J.Ramamurthy

.. Petitioner

Vs.

1. The Transport Commissioner,
Chennai (West), K.K.Nagar,
Chennai 600 078.
2. The License Issuing Authority,
Chennai (West), K.K.Nagar,
Chennai 600 078.
3. The Regional Transport Officer,
Tambaram,
Chennai 600 045.
4. The Inspector of Police,
Traffic Investigation Wing,
S-13, Chrompet Police Station,
Chennai 600 045.
5. The Branch Manager,
Metropolitan Transport Corporation,
K.K.Nagar Depot,
Chennai.

.. Respondents

Prayer:

Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus directing the respondents 1 to 4 to return the petitioner's driving license in D.L.No.TN 32 Y 199200006600 and enable him to join and continue his service in the 5th respondent Transport Corporation.



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For Petitioner : Mr.A.Rajeshkanna

For Respondent: Mr.U.Baranidharan
Nos.1 to 4 Additional Government Pleader

O R D E R

This Writ Petition is filed for a direction to the respondents 1 to 4 to return the petitioner's driving license in D.L.No.TN 32 Y 199200006600 and enable him to join and continue his service in the 5th respondent Transport Corporation.

2.By consent of the learned counsel appearing for the petitioner as well as the learned Additional Government Pleader, who takes notice for the respondents, the Writ Petition is taken up for final disposal at the admission stage itself.

3.The petitioner is working as Driver in the 5th respondent Transport Corporation. On 06.02.2022, while he was driving the Bus from Perungalathur towards Koyembedu at about 6.40 hours, near G.S.T. Road, Chrompet Government Hospital, a cyclist suddenly crossed the pedestrian cross line and thus, the accident has occurred. In the accident, the said cyclist died. The 4th respondent, contrary to the provisions of Section 206 (3) of the Motor Vehicles Act, 1988 (hereinafter referred to as, 'the Act'), seized the petitioner's driving license and handed over to the 3rd respondent. The 3rd respondent issued show cause notice dated 16.02.2022 and the same was served on the petitioner only on 04.03.2022. Whenever the petitioner approached the 3rd respondent office, they informed that license will not be returned for six months. As per Section 19 (1) (A) of the Act, license can be suspended only for a period of three months. When the license is seized, the authorities must give temporary acknowledgment. Hence, the petitioner gave representation dated 10.03.2022 to the respondents. Since no orders are passed, the petitioner has come out with the present Writ Petition.

4.Mr.U.Baranidharan, learned Additional Government Pleader appearing for the respondents submitted that the 3rd respondent will consider the representation of the petitioner and pass orders on the show cause notice within the time limit fixed by this Court.



5. 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.

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6. Considering the above submissions of the learned counsel appearing for the petitioner and learned Additional Government Pleader appearing for the respondents, the 3rd respondent is directed to issue temporary acknowledgment to the petitioner within a week from the date of receipt of a copy of this order. Further, the 3rd respondent is directed to consider the representation of the petitioner as explanation to the show cause notice issued to him and pass orders within two weeks thereafter.

With the above direction, this Writ Petition is allowed. No costs.

Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

gsa

To

1. The Transport Commissioner,
Chennai (West), K.K.Nagar,
Chennai 600 078.
2. The License Issuing Authority,
Chennai (West), K.K.Nagar,
Chennai 600 078.
3. The Regional Transport Officer,
Tambaram,
Chennai 600 045.
4. The Inspector of Police,
Traffic Investigation Wing,
S-13, Chrompet Police Station,
Chennai 600 045.



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

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+1cc to Mr.A.Rajeshkanna, Advocate, S.R.No.18684
+1cc to the Government Pleader, S.R.No.19142

W.P.No.6303 of 2022

SSV(CO)
PM/22/03/2022