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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.06.2022

CORAM

THE HON'BLE MR.JUSTICE C.SARAVANAN

W.P.NO.15013 OF 2022

S.Velmurugan

... Petitioner

Vs.

1. The Inspector of Police,
TIW T-12 Poonamallee Police Station,
Chennai - 56.

2. The Licensing Authority-cum-Regional
Transport Officer,
Poonamallee, Chennai - 71.

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, for issuance of a Writ of Mandamus, directing the second respondent herein to return the original driving license (DL No.TN-25-Z-19960000542) to the petitioner forthwith.

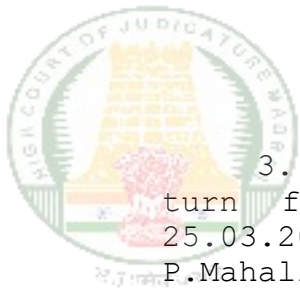
For Petitioner : Mr.K.Hariharan

For Respondents : Mr.M.Shahjahan
Special Government Pleader

ORDER

Mr.M.Shahjahan, learned Special Government Pleader takes notice on behalf of the respondents.

2. After hearing the learned counsel for the petitioner and the learned Special Government Pleader for the respondents, this Writ Petition is disposed at the time of admission by directing the respondents to pass appropriate orders for returning the license that was seized from the petitioner on 06.04.2022, in terms of the decision of the Madurai Bench of this Court in W.P (MD).No.7189 of 2022, vide its order dated 19.04.2022.



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3. The operative portion of the aforesaid order which in turn follows the earlier order passed by this Court on 25.03.2022 in W.P(MD).No.5341 of 2022 in the case of P.Mahalingam Vs The Regional Transport Officer, Kumbakonam and another, reads as under:-

"7. This Court by an order dated 25.03.2022 in a some what identical situation in W.P(MD).No.5341 of 2022 in the case of (P.Mahalingam Vs. The Regional Transport Officer, Kumbakonam and another), has passed the following order:-

"7.I have considered the arguments advanced by the learned counsel for the petitioner and the learned Additional Government Pleader for the respondents.

8.The action of the 1st respondent seizing the licence of the petitioner is contrary to the enunciation of law by the Division Bench of this Court in the Sethuraman's case (referred supra). The petitioner therein was involved in an accident, where FIR came to be registered under Section 304A of IPC. As long as the aforesaid order of the Hon'ble Division Bench is there, the same is binding to this Court. Therefore, I direct the respondents herein to return the licence to the petitioner within a period of 15 days from the date of receipt of a copy of this order. Liberty is given to the respondents to issue appropriate notice within such time. In case such show cause notice is issued for cancelling or suspending the licence, the same shall be decided by the respondents within a period of 15 days thereafter. It is needless to state that the petitioner shall also be heard before passing such orders."

8. Under these circumstances, I am inclined to dispose of this writ petition in terms of the order passed in the aforesaid writ petition, content of which has been extracted above. The respondents are directed to return the licence to the petitioner in terms of the above orders with liberty to the respondents to initiate appropriate proceedings."



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4. This Writ Petition stands disposed of in terms of the above observations. No costs.

Sd/-

Assistant Registrar(CS-V)

//True Copy//

Sub Assistant Registrar

arb

To

1. The Inspector of Police,
TIW T-12 Poonamallee Police Station,
Chennai - 56.

2. The Licensing Authority-cum-Regional
Transport Officer,
Poonamallee, Chennai - 71.

+1cc to Mr.K.Hariharan, Advocate, S.R.No.35735

+1cc to the Government Pleader, S.R.No.37188

W.P.No.15013 of 2022

RLD(CO)

RLP(30/06/2022)