



W.P.No.17403 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.07.2022

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THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P.No.17403 of 2022

and

W.M.P.No.16709 of 2022

N.Dinesh Kumar

... Petitioner

Vs

The Regional Transport Authority,
Office of the Regional Transport Authority,
Saamanthamalai, Krishnagiri - 635 014.

... Respondent

Prayer: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondent to return the petitioner Original Driving Licence bearing No.TN-78-Z-20160001702, without any endorsement and within a specified time.

For Petitioner : Mr.R.Krishnaswamy

For Respondent : Mr.M.Shahjahan
Special Government Pleader



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ORDER

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

2. The petitioner appears to have got involved in a fatal accident resulting in death and FIR in Crime No.174 of 2022 has been registered against the petitioner under Sections 279, 337 & 304A of IPC on 25.02.2022.

3. The petitioner has placed reliance on the decision of the Hon'ble Madurai Bench of the Division Bench of this Court in **P.Sethuram Vs The Licensing Authority, The Regional Transport Officer, The Regional Transport Office, Dindigul**, in W.A(MD).No.374 of 2009, dated 30.07.2009, 2010 WLR 100. Several orders have been passed following the aforesaid decision by directing the authorities to return the licenses.



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4. The respondent has not taken any steps for having a contra view before the Hon'ble Division Bench of this Court. It is noticed that without even providing for cooling period, the person who causes fatal accident rush to this Court for getting their licenses back, pending for the proceedings.

5. The decision in P.Sethuram's case (referred to supra), based on which, several orders have been passed may require a reconsideration by a larger bench of this Court provided the orders that are being passed by this Court are taken before the Hon'ble Division Bench of this Court.

6. Be that as it may, as on date, the decision of the Hon'ble Madurai Bench of the Division Bench of this Court in P.Sethuram's case (referred to supra) governs the field and therefore I am inclined to follow the said decision.

7. Recently, I have also followed the above decision in the case of

S.Velmurugan Vs The Inspector of Police, TIW T-12 Poonamallee



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C.SARAVANAN, J.

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Police Station, Chennai – 56 and another, in W.P.No.15013 of 2022
dated 16.06.2022.

8. Therefore, this Writ Petition is disposed of in terms of the orders
passed in the aforesaid writ petitions. No costs. Consequently,
connected Writ Miscellaneous Petition is closed.

08.07.2022

Index : Yes/ No
Internet : Yes/No
Speaking/Non-Speaking Order

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To

The Regional Transport Authority,
Office of the Regional Transport Authority,
Saamanthamalai, Krishnagiri - 635 014.

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