

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.04.2015

Coram

The Hon'ble Mr. Justice T.RAJA

W.P.No.11466 of 2015

O.Senthattai

.. Petitioner

Vs.

1. Inspector of Police,
Mount Traffic Investigating Wing,
Chennai - 16.

2. The Licensing Authority cum
Regional Transport Officer,
Meenambakkam, Chennai - 16.

.. Respondents

Petition filed under Article 226 of the Constitution of India praying to issue a writ of mandamus directing the second respondent herein to return the original driving license (DL No.TN 69 19990003261) to the petitioner forthwith.

For Petitioner .. Mr.K.Hariharan

For Respondents .. Mr.R.Lakshminarayanan,
Addl. Govt. Pleader

ORDER

This writ petition has been filed by one O.Senthattai, a driver working in Metropolitan Transport Corporation of Chennai, seeking a direction to the second respondent to return his original driving licence (DL No.TN 69 19990003261) to him forthwith.

2. On 04.01.2015, the bus driven by the petitioner met with an accident, in which, a motorcycle rider died and therefore, the first respondent registered a case against the petitioner under Sections 279 and 304A I.P.C. and sent the F.I.R. to the XI Metropolitan Magistrate, Saidapet, Chennai. Pending investigation, the driving licence of the petitioner, collected by the first respondent was handed over to the second respondent. The first respondent also recommended for cancellation of the driving licence of the petitioner. According to the petitioner, the second respondent cannot retain the driving licence without any enquiry. It was also the

claim of the petitioner that unless the criminal Court in which the case is pending decides the issue holding the petitioner guilty of the charge, the second respondent cannot refuse to handover the driving licence to the petitioner.

3.Learned counsel for the petitioner placed reliance on the decision of a Division Bench this Court in P.Sethuram Vs. The Licensing Authority, The Regional Transport Officer, Dindigul (2010 Writ L.R. 100), wherein it has been held that mere registration of criminal complaint is not enough to suspend the licence as proper enquiry has to be held by giving notice to the petitioner for impounding the same.

4.Learned Additional Government Pleader appearing for the respondents submits that the issue involved in this writ petition is squarely covered by the above decision.

5.I have considered the above submissions. It is seen that the driving licence of the petitioner has been sent to the second respondent by the first respondent with a recommendation to cancel the same. This Court is of the view that the second respondent, without any enquiry, that too, without issuing any show cause notice, cannot keep the driving licence with him. Therefore, in the light of the ratio laid down by this Court in P.Sethuram Vs. The Licensing Authority, The Regional Transport Officer, Dindigul (2010 Writ L.R. 100), the second respondent is directed to return the driving licence to the petitioner within a period of ten days from the date of receipt of a copy of this order. The writ petition is disposed of accordingly. No costs.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

mmi

To

1.The Inspector of Police,
Mount Traffic Investigating Wing,
Chennai - 16.

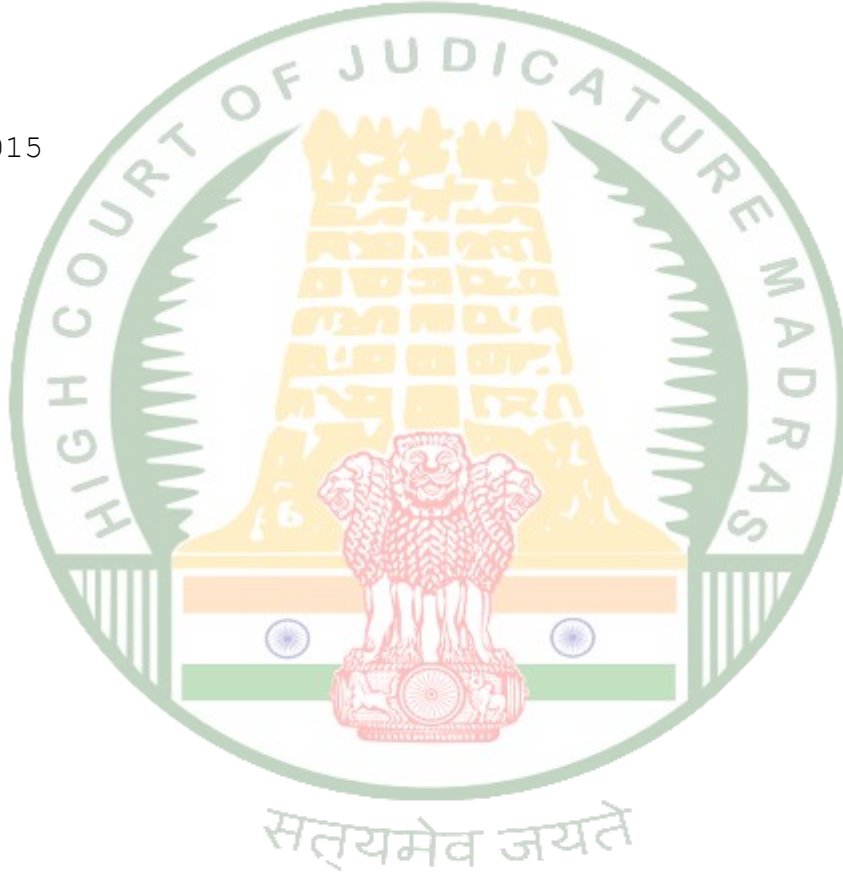
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2.The Licensing Authority cum
Regional Transport Officer,
Meenambakkam, Chennai - 16.

+1 cc to Mr.K.Hariharan Advocate sr.21540

W.P.No.11466 of 2015

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