

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.09.2015

CORAM:

THE HON'BLE MR. JUSTICE R. MAHADEVAN

W.P.No.29781 of 2015
and
M.P.Nos.1 and 2 of 2015

M.Ramesh

.. Petitioner

vs

1. Inspector of Police,
Traffic Investigating Wing,
Karumathampatti Police Station,
Coimbatore District.
2. The Licensing Authority cum
Regional Transport Officer,
Coimbatore South.
3. The Appellate Authority cum Joint
Transport Commissioner,
Coimbatore.

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of certiorari to call for the records of the third respondent with respect to his order made in Se.Mu.Aa.No.820/A/A4/2015 dated 08.09.2015 suspending the petitioner's driving licence for a period of five months from 19.06.2015 to 18.11.2015 by modifying the order of the second respondent made in Na.Ka.No.45258/21/2015 dated 22.06.2015 and to quash the same.

For Petitioner : Mr.K.Hariharan

For Respondents : Mr.M.S.Ramesh,
Addl. Govt. Pleader

ORDER

Challenging the order of the third respondent dated 08.09.2015, whereby the petitioner's driving licence was suspended for a period of five months from 19.06.2015 to 18.11.2015, by modifying the order

of the second respondent made in Na.Ka.No.45258/21/2015 dated 22.06.2015, the petitioner has preferred this writ petition.

2.The petitioner is working as a Driver in Tamil Nadu State Transport Corporation, Erode Region and while he was on duty, on 29.05.2015, a woman passenger, who got down from the bus without informing the conductor, fell down and died. In respect of the said accident, a case was registered against the petitioner by the first respondent in Crime No.254 of 2015 for the offences under Sections 279 and 304A IPC. At the time of registering the case, the first respondent seized the driving licence of the petitioner and sent the same to the second respondent with a recommendation to cancel it. The second respondent, on 09.06.2015, issued a show cause notice and after receiving the explanation from the petitioner, suspended the driving licence for a period of six months from 19.06.2015 to 15.12.2015. Subsequently, the petitioner preferred an appeal before the third respondent and by the impugned order dated 08.09.2015, the third respondent reduced the period of suspension of licence from 6 months to 5 months. Aggrieved against the same, the petitioner has come up with this writ petition.

3.Heard the learned counsel appearing for the petitioner and the learned Additional Government Pleader appearing for the respondents.

4.Learned counsel for the petitioner would submit that in a similar case in P.Sethuram Vs. The Licensing Authority, The Regional Transport Officer, The Regional Transport Office, Dindigul (2010 Writ L.R. 100), a Division Bench of Madurai Bench of this Court directed the respondent therein to return the driving licence to the appellant therein. He would further submit that in yet another case in S.Duraivelu Vs. The Regional Transport Officer, West Tambaram, Chennai and Others (2013 Writ L.R. 843), this Court has followed the decision of the Division Bench and directed the respondents 1 and 2 therein to return the license of the petitioner therein, after removing the endorsement "suspended".

5.Learned Additional Government Pleader fairly submitted that the issue involved in the present writ petition is covered by the above said orders of this Court.

6.This Court has considered the submissions made by the learned counsel on either side. In P.Sethuram's case (cited supra), the Division Bench has categorically held that the pendency of a criminal case would not give jurisdiction to the authority to cancel the licence and the authority has to wait for the outcome of the criminal case.

7. In view of the above, the writ petition is disposed of with a direction to the second respondent to return the driving licence to the petitioner within a period of four weeks from the date of receipt of a copy of this order. No costs. consequently connected miscellaneous petitions are closed.

-Sd/-
Assistant Registrar(cs-II)

//True copy//

Sub Assistant Registrar

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To

1. The Inspector of Police,
Traffic Investigating Wing,
Karumathampatti Police Station,
Coimbatore District.
2. The Licensing Authority cum
Regional Transport Officer,
Coimbatore South.
3. The Appellate Authority cum Joint
Transport Commissioner,
Coimbatore.

+1 cc to Mr.K.Hariharan, Advocate(sr.52938)
+1 cc to Government Pleader(sr.53359)

TEJ(co)
cp 06/10/2015

W.P.No.29781 of 2015