

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.10.2015

CORAM:

THE HON'BLE MR. JUSTICE R. MAHADEVAN

W.P.No.34315 of 2015
and M.P.No.1 of 2015

P.Dhanasekaran

[Petitioner]

Vs

- 1 The Inspector of Police
Traffic Investigating Wing
C-5 Vengal Police Station
Uthukkottai Taluk
Tiruvallur District.
- 2 The Licensing Authority-Cum-
Regional Transport Officer Tiruvallur

[Respondents]

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of certiorari calling for the records of the 2nd Respondent made in R.No.B5/24586/2015 dated Nil/7/2015 suspending the driving licence of the petitioner for a period of six months from 1.7.2015 to 31.12.2015 and to quash the same.

For petitioner :Mr.K.Hariharan

For respondents :Mr.M.S.Ramesh, AGP

O R D E R

Heard the learned counsel for the petitioner and the learned Additional Government Pleader, who took notice for the respondents and with their consent, the main writ petition itself is taken up for disposal.

2. This writ petition has been filed challenging the order of the 2nd respondent made in R.No.B5/24586/2015 dated

Nil/7/2015 suspending the driving licence of the petitioner for a period of six months from 1.7.2015 to 31.12.2015.

3. The petitioner is employed as a driver in the Metropolitan Transport Corporation of Chennai. On 01.07.2015, while he was driving the bus TN-01-N-4443 (route No.580), an accident occurred and due to which, a pedestrian died. Pursuant to the said accident, the 1st respondent, registered a case under sections 279 and 304 A IPC and sent the FIR to the Judicial Magistrate Court, Tiruvallur, pending investigation. The 1st respondent, while registering the FIR, collected the original driving license of the petitioner and retained the same in the police station and on 02.07.2015, the same was sent to the 2nd respondent, recommending to cancel the same. On 27.07.2015, the 2nd respondent issued a notice directing the petitioner to appear on 31.07.2015, on which date, the petitioner appeared in person and gave his written explanation also requesting to drop further proceedings and to return the driving license. The petitioner also filed W.P.No.23964 of 2015 before this Court to return the driving license and this Court, by order dated 10.08.2015 allowed the writ petition by directing the 2nd respondent to return the driving license. The 2nd respondent also returned the driving license, however, suspended the same for six months from 01.07.2015 to 31.12.2015 by the impugned proceedings. It is the grievance of the petitioner, even before the criminal court tries the alleged offence charged against him, the respondent cannot come to the conclusion that he committed cognizable offence. Hence, the petitioner has no other option except to approach this Court by way of filing of this writ petition.

4. The learned counsel for the petitioner submitted that in identical circumstances, 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 release 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 stated legal position, the writ petition is disposed of with a direction to the respondents to release the driving licence of the petitioner forthwith after removing the endorsement "suspended" within one week from the date of receipt of a copy of this order. No costs. Connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(J)
True Copy
Sub Assistant Registrar

To

- 1 The Inspector of Police
Traffic Investigating Wing
C-5 Vengal Police Station
Uthukkottai Taluk
Tiruvallur District.
- 2 The Licensing Authority-Cum-
Regional Transport Officer Tiruvallur.

+1cc to Mr.K.Hariharan, Advocate Sr.58538
+1cc to The Government Pleader, Sr.58833

W.P.No.34315 of 2015

kk[co]
srg 5/11/2015

WEB COPY