

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.12.2015

CORAM

THE HONOURABLE MR. JUSTICE K.KALYANASUNDARAM

W.P.No.40141 of 2015 and
M.P.No.1 of 2015

N.Nattudurai

.. Petitioner

Vs.

1.The Licensing Authority-cum-
The Regional Transport Officer,
Pollachi, Coimbatore District.

2.The Inspector of Police,
Negamam Police Station,
Negamam, Coimbatore.

.. respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus to call for the records of the impugned order of the 1st respondent made in R.No.50241/E3/2015, dated 30.11.2015 for suspending the petitioner's Driving Licence No.TN33Y19990002217 (which is valid up to 04.11.2019) for the period of 3 months from 13.11.2015 to 12.02.2016 and to quash the same and consequently direct the 1st respondent to return the Driving Licence to the petitioner after removing the endorsement suspended forthwith.

For Petitioner : Mr.A.Ganesan

For Respondents : Mr.RM.Muthukumar
Government Advocate.

O R D E R

Challenging the order of the first respondent dated 30.11.2015, whereby the petitioner's driving licence was suspended for a period of three months from 13.11.2015 to 12.02.2016 and directing the 1st respondent to return the driving licence to the petitioner after removing the endorsement suspended forthwith, the petitioner has preferred this writ petition.

2.The petitioner is working as a Driver in Tamil Nadu State Transport Corporation, Erode Division and while he was on duty, on 06.11.2015, the vehicle met with an accident. A pedestrian sustained fatal injury and died in Kovai Government Medical College Hospital on 06.11.2015, without responding medical treatment. In respect of the said accident, a case

was registered against the petitioner by the second respondent in Crime No.281 of 2015 for the offences under Sections 279 and 337 of IPC. At the time of registering the case, the second respondent seized the vehicle and driving licence of the petitioner and sent the same to the first respondent. Aggrieved against the same, the petitioner has come up with this writ petition directing the 1st respondent to return the Driving Licence to the petitioner after removing the endorsement suspended forthwith.

3. Heard the learned counsel appearing for the petitioner and the learned Government Advocate 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 Government Advocate 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 first 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 petition is closed.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

kkd

To

1.The Licensing Authority-cum-
The Regional Transport Officer,
Pollachi, Coimbatore District.

2.The Inspector of Police,
Negamam Police Station, Negamam,
Coimbatore.

+ 1 cc to Mr.A. Ganesan, Advocate Sr.68919

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