

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 02.03.2015

CORAM

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P.No. 5469 of 2015

P.Rajiv Gandhi

...Petitioner

vs

1. The Transport Commissioner,
Chepauk,
Chennai-600 005.
2. The Regional Transport Officer,
Regional Transport Office,
Vellore District.
3. The Regional Transport Officer,
Regional Transport Office,
Tambaram, Kancheepuram District.
4. The Inspector of Police,
S-13, Traffic Investigation Wing,
Chrompet, Chennai.
5. The Managing Director,
Metropolitan Transport Corporation,
Pallavan House,
Chennai-600 002.

...Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents to return the petitioner's license in D.L.No.TN 23 20020004201 which was seized by the fourth respondent and the same was handed over to the third respondent.

For Petitioner :M/s.M.V.Muralidaran

For Respondents :Mr.E.Raniselvam,

Additional Government Pleader
for R1 to R4

Mr.P.Kannan Kumar for R5

O R D E R

By the consent of either side, the Writ Petition is taken up for final disposal at the admission stage.

2. The petitioner seeks for issuance of Writ of Mandamus directing the respondents to return the petitioner's driving license in D.L.No.TN 23 20020004201 which was seized by the fourth respondent/Inspector of Police and the same was handed over to the third respondent.

3. The petitioner is a driver working under the fifth respondent/Metropolitan Transport Corporation Limited. The petitioner was involved in an accident 07.02.2015, resulting in registration of a case in Crime No.95/CH/15 for the offence under Sections 279 and 337 of IPC.

4. It is represented by the learned counsel for the petitioner that on the basis of the criminal case, the fourth respondent seized the driving license of the petitioner and the same was handed over to the third respondent/RTO Office.

5. Heard the learned counsel for the petitioner and learned Additional Government Pleader for R1 to R4 and Mr.P.Kannan Kumar, learned counsel for R5.

6. In reply, learned counsel for the respondent submitted that the case has been registered against the petitioner and the licence has been presented to the Judicial Magistrate Court, Tamaram. The petitioner has relied upon the decision of this Court in P.SETHURAM V. THE LICENSING OFFICE, DINDIGUL reported in 2010 Writ LR 100, wherein the Division Bench of this Court has held that pendency of a criminal case would not give jurisdiction to the authority to cancel the license and that the authority will have to wait for the outcome of the the criminal case and that the Corporation has to prove the Commission of cognizance of offence. The Division Bench of this Court further held that in case, license is with the Transport Corporation, it could be returned.

7. Thus in this case, admittedly, the license has been produced before the Judicial Magistrate Court, Tambaram. It is open to the petitioner to make necessary application before the Judicial Magistrate Court, Tambaram and the same may be considered by the said Court in accordance with law.

8. With the above observation, the writ petition is disposed of. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1. The Transport Commissioner,
Chepauk,
Chennai-600 005.
2. The Regional Transport Officer,
Regional Transport Office,
Vellore District.
3. The Regional Transport Officer,
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Tambaram, Kancheepuram District.
4. The Inspector of Police,
S-13, Traffic Investigation Wing,
Chrompet, Chennai.
5. The Managing Director,
Metropolitan Transport Corporation,
Pallavan House, Chennai-600 002.

+ 1 cc to Mr.P. Kannan Kumar, Advocate SR.11506
+ 1 cc to Mr.M.V. Muralidaran, Advocate SR.11485
+ 1 cc to Government Pleader Sr.11569

KU(CO)
EU 30.03.2015

W.P.No. 5469 of 2015

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