

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.04.2015

CORAM

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P.No.9772 of 2015

B.Parasuraman

...Petitioner

vs

- 1.The Transport Commissioner,
Chepauk, Chennai-600 005.
- 2.The Assistant License Issuing Authority,
The Regional Transport Office,
Tindivanam, Villupuram District.
- 3.The Regional Transport Officer,
Chengalpet,
Kancheepuram District.
- 4.The Inspector of Police,
Mamallapuram Traffic Investigation Wing,
Mamallapuram,
Kancheepuram District.
5. The Depot Manager,
Tamil Nadu State Transport Corporation,
Tambaram Depot,
Kancheepuram Division,
Kancheepuram District.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents to consider the petitioner's representation dated 24.03.2015 and thereby direct the respondents to return the petitioner's license in D.L.No.TN-32Y-19950002028 which was seized by the 5th respondent.

For Petitioner : Mr.M.V.Muralidharan

For Respondents : Ms.M.E.Rani Selvam, AGP

O R D E R

Heard Mr.M.V.Muralidharan, learned counsel for petitioner and Ms.M.E.Rani Selvam, learned Additional Government Pleader for respondents. By consent of either side, the Writ Petition is taken up for final disposal at the admission stage.

2. Petitioner seeks for issuance of a Writ of Mandamus directing the respondents to return the petitioner's driving license in D.L.No.TN-32Y-19950002028 which was seized by the fourth respondent/Inspector of Police.

3. Petitioner is a driver working under the fifth respondent/ Metropolitan Transport Corporation Limited. The petitioner was involved in an accident on 10.03.2015, resulting in registration of a case in Crime No.89/2015 for offences u/s.279, 337 and 304-A IPC on the file of the fourth respondent.

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

5. In reply, learned Additional Government Pleader submitted that the case has been registered against the petitioner.

6. Petitioner has relied upon the decision of this Court in P.Sethuram v. The Licensing Authority, Dindigul [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 await the outcome of 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. If the license has been produced before the concerned Judicial Magistrate, it is open to the petitioner to make necessary application before said Judicial Magistrate and the same may be considered by him in accordance with law. If the license is with the respondents, it should be handed over to the petitioner in terms of the decision cited supra.

The writ petition is disposed of with the above direction.
No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

smi

To

- 1.The Transport Commissioner,
Chepauk, Chennai-600 005.
- 2.The Assistant License Issuing Authority,
The Regional Transport Office,
Tindivanam, Villupuram District.
- 3.The Regional Transport Officer,
Chengalpet, Kancheepuram District.
- 4.The Inspector of Police,
Mamallapuram Traffic Investigation Wing,
Mamallapuram, Kancheepuram District.
5. The Depot Manager,
Tamil Nadu State Transport Corporation,
Tambaram Depot, Kancheepuram Division,
Kancheepuram District.

+ 1 cc to Mr.Mr.P. Kannan Kumar, Advocate SR.18830
+ 1 cc to Mr.M.V.Muralidaran, Advocate SR.18624
+ 1 cc Government Pleader Sr.18739

GJ(CO)
EU 21.04.2015

W.P.No.9772 of 2015

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