

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.03.2016

CORAM

THE HONOURABLE Mr. JUSTICE M.DURAI SWAMY

W.P.No.10011 of 2016

and

WMP Nos.8957 of 2016 & 8958/2016

V. Sathiyamurthy petitioner

v.

1. The Joint Transport Commissioner/
Appellate Authority,
O/o of the Joint Transport Commissioner,
Coimbatore Circle,
Dr. Balasundaram Road,
Coimbatore - 18

2. The Regional Transport Authority,
Coimbatore West,
Kovaipudur,
Coimbatore - 641 042 Respondents

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus to call for the records pertaining to the order dated 13.11.2015 passed by the second respondent in Na.Ka.No.47411/B3/2015 and the order dated 23.02.2016 passed by the first respondent in Se.Mu.Order No.006/A1/2016, quash the same insofar as the order disqualifying the petitioner original driving licence temporarily for a period of 5 months from 08.10.2015 to 07.03.2016 and consequently direct the second respondent to return him forthwith the petitioner's original driving licence without any endorsement.

For Petitioner : Mr.V. Ajoy Khose

For Respondent : Mr.A. Zakir Hussain
Govt. Advocate

ORDER

The petitioner has filed the above writ petition to issue Writ of Certiorarified Mandamus to call for the records pertaining to the order dated 13.11.2015, passed by the second respondent in Na.Ka.No.47411/B3/2015 and the order dated 23.02.2016, passed by the first respondent in Se.Mu.Order No.006/A1/2016 and to quash the same insofar as the order suspending the driving licence of the petitioner for a period of five months from 08.10.2015 to 07.03.2016 and consequently direct the second respondent to return him forthwith the petitioner's original driving licence without any endorsement.

2. It is the case of the petitioner that when the criminal case, registered in Cr.No.216 of 2016 on 20.09.2015 for the offence punishable under Secs.279 and 304-A IPC, are pending, the second respondent had erroneously passed the impugned order, suspending the driving licence of the petitioner. This Court, in the judgment reported in 2010 WLR 100 (P. Sethuram vs The Licensing Authority, The Regional Transport Officer, Dindigul), the Division Bench of this Court held that such suspension of the driving licence, even before the completion of the criminal case, is liable to be set aside.

3. Mr.A. Zakir Hussain, learned Government Advocate submitted that the issues involved in the Writ Petition is squarely covered by the decision of this Court reported in 2010 WLR 100 (P. Sethuram vs The Licensing Authority, The Regional Transport Officer, Dindigul)

4. Following the judgment of the Division Bench reported in 2010 WLR 100, the impugned orders dated 13.11.2015, passed by the second respondent and the order dated 23.02.2016, passed by the first respondent are liable to be set aside and accordingly the same are set aside. The second respondent is directed to return the driving licence of the petitioner within a week's time from the date of receipt of a copy of this order without making any endorsement on the driving licence. However, it shall not preclude the respondents from initiating any action, if any of the contingencies specified in Motor Vehicles Act, arises later or if any of the Rules as prescribed by the Central Government, in pursuance of the provisions of the Act, are

violated. With these observations, the writ petition is allowed.
No costs. Consequently, connected Mps are closed.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

sr

To

1. The Joint Transport Commissioner/
Appellate Authority,
O/o of the Joint Transport Commissioner,
Coimbatore Circle,
Dr. Balasundaram Road,
Coimbatore - 18
2. The Regional Transport Authority,
Coimbatore West,
Kovaipudur,
Coimbatore - 641 042

+1 cc to Mr.V.Ajoykhose Advocate sr.17113
+1 cc to Government pleader sr.17339

W.P.No.10011 of 2016

aa22/03/2016

सत्यमेव जयते

WEB COPY