

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.03.2016

CORAM

THE HON'BLE Mr. JUSTICE M.DURAISWAMY

W.P.No.10891 of 2016

A.Karuppusamy

... Petitioner

Vs.

- 1.The Transport Commissioner,
Chepauk, Chennai - 600 005.
 - 2.The License Issuing Authority,
Theni Regional Transport Office,Theni District.
 - 3.The Regional Transport Officer,
Regional Transport Office,
Chinmaya Nagar, Chennai.
 - 4.The Inspector of Police,
Traffic Investigating Wing,
R4 Pondy Bazaar, Chennai - 600 017.
 - 5.The General Manager,
Metropolitan Transport Corporation,
Pallavan House, Chennai - 600 002.
- ... Respondents

Petition filed under Article 226 of The Constitution of India praying to issue a writ of mandamus to direct the respondents 1 to 3 to return the petitioner's driving license in D.L.No.TN 60 20090003428 and enable him to join duty before the 5th respondent.

For Petitioner : Mr.B.Sundara Pandiyan
For Respondents : Mr.A.Zakir Hussain, Government
Advocate

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O R D E R

The petitioner has filed the above Writ Petition to issue a writ of mandamus to direct the respondents 1 to 3 to return the petitioner's driving license in D.L.No.TN 60 20090003428.

2.According to the petitioner, the respondents 1 to 3 have seized his Driving License even before the completion of the criminal case pending against the petitioner. Admittedly, the case was registered against the petitioner under Sections 279,

337 and 304 A of the Indian Penal Code in Crime No.322/TN5/2015 dated 23.09.2015. However, the criminal case has not yet been completed.

3.The Division Bench of this Court in the judgment reported in 2010 Writ L.R. 100 [P.Sethuram Vs. The Licensing Authority, The Regional Transport Officer, The Regional Transport Office, Dindigul] held that the respondents have no right to seize the Driving License before the completion of the criminal case. Following the ratio laid down in the said judgment, I had an occasion to direct the respondents therein to return the Driving License in the Writ Petition in W.P.No.8164 of 2016 dated 08.03.2016.

4.Mr.A.Zakir Hussain, learned Government Advocate taking notice for the respondents submitted that the issue involved in the present Writ Petition is covered by the decisions referred above.

5.In these circumstances, following the ratio laid down in the decision reported in 2010 Writ L.R. 100 [P.Sethuram Vs. The Licensing Authority, The Regional Transport Officer, The Regional Transport Office, Dindigul] and W.P.No.8164 of 2016 dated 08.03.2016, I direct the respondents 1 to 3 to return the petitioner's driving license to the petitioner forthwith on production of a copy of this order. However, it is open for the respondents to proceed in accordance with law after issuing notice.

6.With this observation, the Writ Petition is disposed of. No costs.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

va

To

1.The Transport Commissioner,
Chepauk, Chennai - 600 005.

2.The License Issuing Authority,
Theni Regional Transport Office,
Theni District.

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3.The Regional Transport Officer,
Regional Transport Office,
Chinmaya Nagar, Chennai.

4.The Inspector of Police,
Traffic Investigating Wing,
R4 Pondy Bazaar,
Chennai - 600 017.

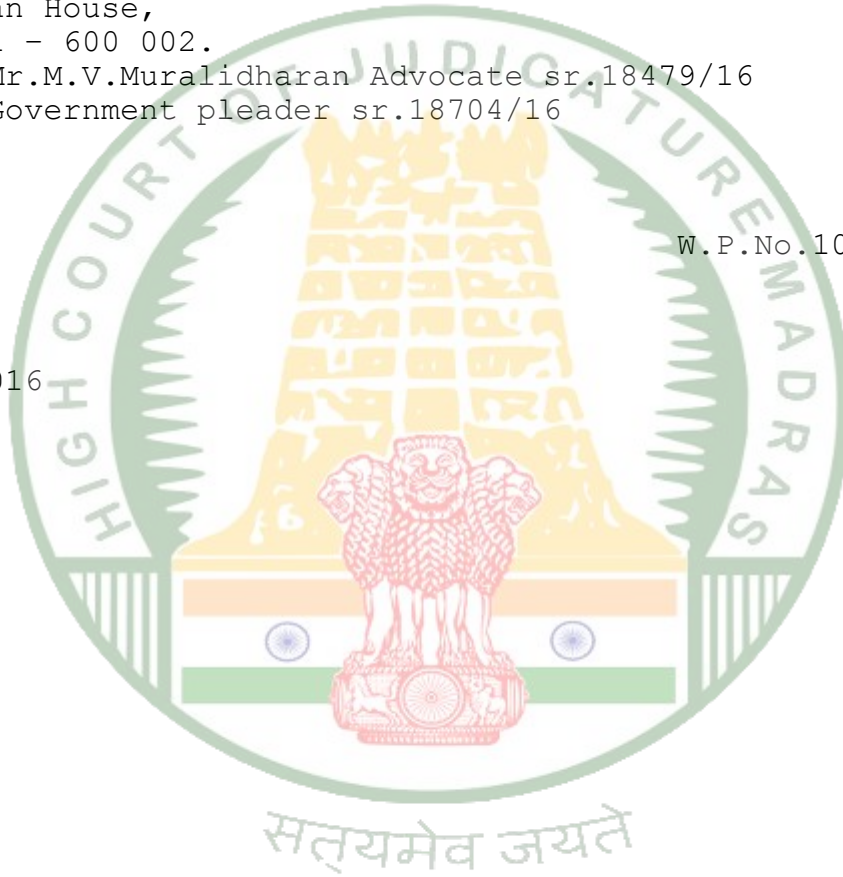
5.The General Manager,
Metropolitan Transport Corporation,
Pallavan House,
Chennai - 600 002.

+1 cc to Mr.M.V.Muralidharan Advocate sr.18479/16

+1 cc to Government pleader sr.18704/16

W.P.No.10891 of 2016

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