

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.03.2016

CORAM

THE HON'BLE Mr. JUSTICE M.DURAISWAMY

W.P.No.10898 of 2016

D.Abraham

... Petitioner

Vs.

- 1.The Transport Commissioner,
Chepauk, Chennai - 600 005.
- 2.The License Issuing Authority,
Regional Transport Office,
Meenambakkam, Alandur, Chennai.
- 3.The Regional Transport Officer,
Regional Transport Office,
K.K. Nagar, Chennai.
- 4.The Inspector of Police,
Traffic Investigating Wing,
R4 Pondy Bazaar Police Station,
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 to return the petitioner's driving license in D.L.No.TN 22 19970002536 and enable him to join duty before the 5th respondent.

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

O R D E R

The petitioner has filed the above Writ Petition to issue a writ of mandamus to direct the respondents to return the petitioner's driving license in D.L.No.TN 22 19970002536.

2.It is the case of the petitioner that even before the completion of the criminal case registered against the

petitioner under Sections 279 and 304 A of the Indian Penal Code in Crime No.93/TN1/2016 dated 11.03.2016 by the 4th respondent, the Driving License was seized by the respondents.

3.The issue involved in the present Writ Petition is covered by the decision of a Division Bench of this Court reported in 2010 Writ L.R. 100 [P.Sethuram Vs. The Licensing Authority, The Regional Transport Officer, The Regional Transport Office, Dindigul] wherein the Division Bench held that the respondents cannot seize the Driving License before the completion of the criminal case.

4.Mr.A.Rajaperumal, learned Government Advocate taking notice for the respondents submitted that the issue involved in the present Writ Petition is covered by the decision 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], I direct the respondents to return the 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 (CS-II)

True Copy

Sub-Assistant Registrar

va

To

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

2.The License Issuing Authority,
Regional Transport Office,
Meenambakkam, Alandur, Chennai.

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

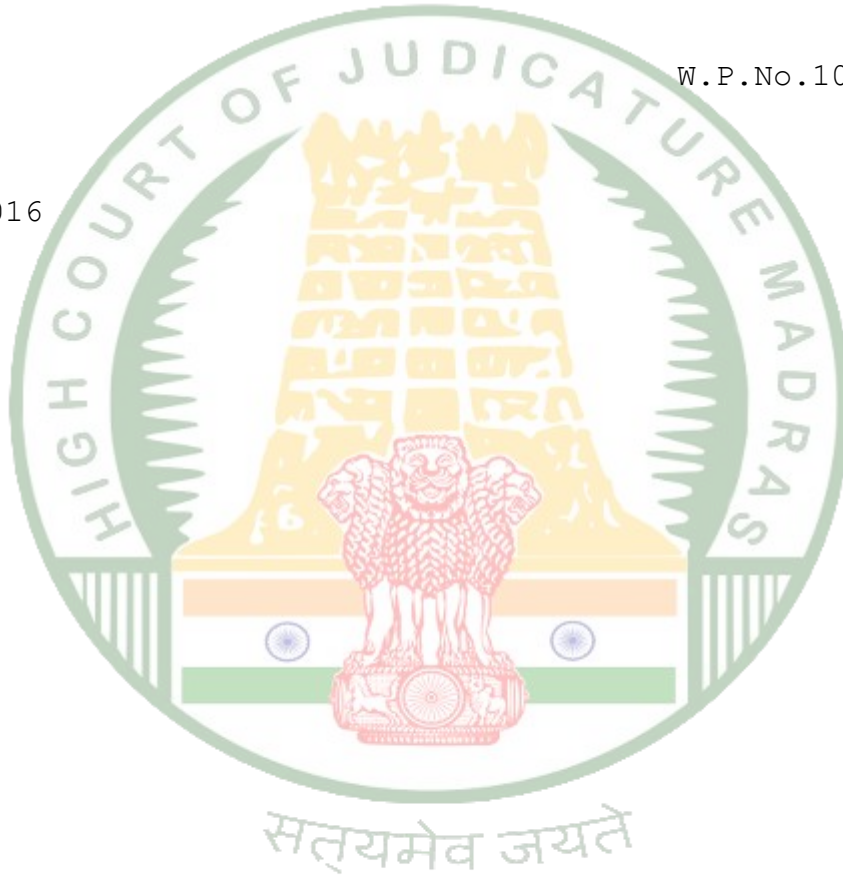
4.The Inspector of Police,
Traffic Investigating Wing,
R4 Pondy Bazaar Police Station,
Chennai - 600 017.

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

+1 cc to Mr.M.V.Muralidharan Advocate sr.18480
+1 cc to Government Pleader sr.18706

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