

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31.03.2016

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THE HON'BLE Mr. JUSTICE M.DURAISWAMY

W.P.No.12077 of 2016 and
W.M.P.No.10446 of 2016

C.Sakkaravarthy

... Petitioner

Vs.

- 1.The Transport Commissioner,
Chepauk, Chennai - 600 005.
- 2.The Deputy Transport Commissioner,
Villupuram, Villupuram District.
- 3.The Licensing Authority,
Thiruvannamalai Regional Transport Office,
Thiruvannamalai District.
- 4.The Inspector of Police,
Kannamangalam Police Station,
Thiruvallur District.
- 5.The Sub Inspector of Police,
Santhavasal Police Station,
Santhavasal, Thiruvallur District.
- 6.The Branch Manager,
Tamil Nadu State Transport Corporation,
Thiruvannamalai Depot-III
Thiruvannamalai District.

... Respondents

Petition filed under Article 226 of The Constitution of India praying to issue a writ of certiorarified mandamus to call for the records relevant to the order in R.No.3681/A6/2016 dated 11.02.2016 passed by the 3rd respondent and quash the same as illegal, improper against the natural justice and thereby direct the respondents 1 to 5 to return the petitioner's Driving License in D.L.No.TN 25 19950001124 and enable him to join and continue his service in the 6th respondent Transport Corporation.

For Petitioner : Mr.A.Rajesh Kanna
For Respondents : Mr.A.Raja Perumal,
Government Advocate

O R D E R

The petitioner has filed the above Writ Petition to issue a writ of certiorarified mandamus to call for the records in respect of the order dated 11.02.2016 passed by the 3rd respondent and to quash the same and to direct the respondents 1 to 5 to return the petitioner's Driving License in D.L.No.TN 25 19950001124.

2.It is the case of the petitioner that by the impugned order dated 11.02.2016, the 3rd respondent had suspended the Driving License of the petitioner before the completion of the criminal case. According to the petitioner, he is working as a Driver in the Tamil Nadu State Transport Corporation, Villupuram Division and on 19.01.2016, the Bus, which he was driving, met with an accident. In the course of the accident, a person had died. The 5th respondent Police registered a case under Sections 279 and 304 (A) of the Indian Penal Code in Crime No.26/2016 dated 19.01.2016. Thereafter, the petitioner's license was seized by the 4th respondent and the same was handed over to the 3rd respondent. Thereafter, the 3rd respondent had passed the impugned order suspending the petitioner's Driving License for six months. The issue involved in the present Writ Petition is covered by the judgment of the Division Bench of this Court 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 should not suspend or seize the Driving License of the petitioner before the completion of the criminal case. The ratio laid down in the said judgment squarely applies to the facts and circumstances of the present case.

3.Mr.A.Raja Perumal, learned Government Advocate taking notice for the respondents fairly submitted that the issue involved in the present Writ Petition is covered by the decision referred above.

4.In these circumstances, following the ratio laid down by the Division Bench of this Court 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 1 to 5 to return the petitioner's driving license to him forthwith on production of a copy of this order. However, it is open to the respondents to proceed against the petitioner in accordance with law after issuing notice.

5. With these observations, the Writ Petition is disposed of. No costs. Consequently, the connected miscellaneous petition is closed.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

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To

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Chepauk, Chennai - 600 005.
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Tamil Nadu State Transport Corporation,
Thiruvannamalai Depot-III
Thiruvannamalai District.

+1 cc to Mr. M. V. Muralidaran Advocate sr.20318

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