

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.04.2016

CORAM

THE HONOURABLE Mr. JUSTICE M.DURAI SWAMY

W.P.No.13054 of 2016
and WMP No.11397 of 2016

P. Kalimuthu

..... Petitioner

v.

1. The Licensing Authority-cum-
The Regional Transport Officer,
Pollachi, Coimbatore District

2. The Inspector of Police,
Kottur Police Station,
Kottur, Coimbatore

..... Respondents

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus to call for the records of the Impugned Order of the first respondent made in Proceeding bearing செ.மு.ஆ.ண/No.3022/இ3/2016 dated 29.02.2016 for suspending the petitioner's driving licence bearing DL No.TN4120070002960 (which is valid upto 28.01.2016) for the period of 4 months from 25.01.2016 to 24.05.2016 and quash the same and consequently direct the first respondent to return the Driving Licence to the petitioner after removing the endorsement suspended forthwith.

For Petitioner : Mr.A. Ganesan

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

ORDER

The petitioner has filed the above writ petition to issue a writ of Certiorarified Mandamus to call for the records of the first respondent suspending the petitioner's driving license for a period of four months 25.01.2016 to 24.05.2016 and to quash the same and consequently direct the first respondent to return the driving licence to the petitioner after removing the endorsement with regard to suspension of the same.

2. It is the case of the petitioner that he is a driver, working in the Tamil Nadu State Transport corporation and while he was driving the vehicle on 24.01.2016, the vehicle met with an accident and in the said accident, four persons travelling in

the car, had died. The second respondent police registered a case in Cr.No.20/2016 for the offence punishable under Secs.279 and 337 IPC, on 24.01.2016. The petitioner was arrested by the police and was later released on bail. According to the petitioner, the criminal case is pending on the file of the Judicial Magistrate Court, Pollachi and the second respondent had seized the driving licence of the petitioner and handed over the same to the first respondent for cancellation, because of loss of life. By Order dated 29.02.2016, the first respondent suspended the driving licence of the petitioner for four months from 25.01.2016 to 24.05.2016.

3. The learned counsel for the petitioner submitted that the issue, involved in the writ petition, is covered by the decision of the Division Bench of this Court reported in 2010 WLR 100 (P. Sethuram vs The Licensing Authority, The Regional Transport Officer, Dindigul).

4. Following the Division Bench judgment, I have an occasion to set aside the order passed by the respondents, suspending the driving licence, in the writ petition in WP No.5458 of 2016 on 01.03.2016.

5. Mr.A. Zakir Hussain, learned Government Advocate submitted that the issue 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)

6. Having regard to the submissions made by the learned counsel on either side, and following the judgment of the Division Bench of this Court reported in 2010 WLR 100, the impugned order dated 29.02.2016, passed by the first respondent is liable to be set aside and accordingly the same is set aside. The first respondent is directed to return the driving licence of the petitioner forthwith on production of a copy of this order, after removing the endorsement with regard to suspension of the 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.

Sd/-
Assistant Registrar(J)

//True Copy//

Sub Assistant Registrar

sr

To

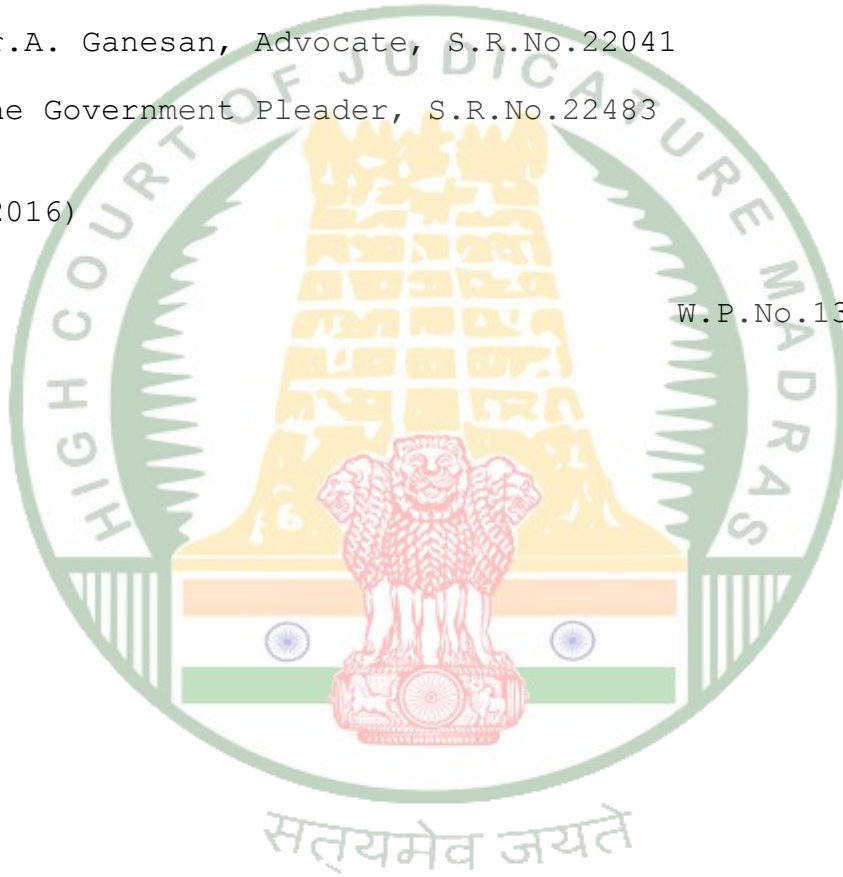
1. The Licensing Authority-cum-
The Regional Transport Officer,
Pollachi, Coimbatore District
2. The Inspector of Police,
Kottur Police Station,
Kottur, Coimbatore

+1cc to Mr.A. Ganesan, Advocate, S.R.No.22041

+1cc to the Government Pleader, S.R.No.22483

KS(CO)
EU(15/04/2016)

W.P.No.13054 of 2016



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