

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.04.2016

CORAM

THE HON'BLE Mr. JUSTICE M.DURAISWAMY

W.P.No.13214 of 2016
and
W.M.P.Nos.11583 & 11584 of 2016

S.Annamalai

... Petitioner

Vs.

The Regional Transport Authority/
The Licensing Authority,
Office of the Regional Transport Authority,
Thiruvallur,
Thiruvallur District.

... Respondent

Petition filed under Article 226 of The Constitution of India praying to issue a writ of certiorarified mandamus to call for the records pertaining to the order dated 01.04.2016 passed by the respondent in Che.Mu.Order No.E5/8269/2016 and to quash the same and to consequently direct the respondent to return forthwith the petitioner's original license bearing No TN 20 20000004717 without any endorsement.

For Petitioner : Mr.R.Krishnaswamy

For Respondent : Mr.M.S.Ramesh,
Additional Government Pleader

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 pertaining to the order dated 01.04.2016 passed by the respondent and to quash the same and to consequently direct the respondent to return the petitioner's original license bearing No TN 20 20000004717 without any endorsement.

2.It is the case of the petitioner that even before the completion of the criminal case, the respondent had seized the Driving License of the petitioner and suspended the license for the period from 03.03.2016 to 02.09.2016.

3.The learned counsel for the petitioner submitted that the issue involved in the present Writ Petition is covered by the decision of this Court made in W.P.No.8423 of 2016 dated 07.03.2016.

4.Mr.M.S.Ramesh, learned Additional Government Pleader taking notice for the respondent submitted that the issue involved in the present Writ Petition is covered by the decision 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] and also the order passed in W.P.No.8423 of 2016.

5.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], since the respondent had suspended the license even prior to the completion of the criminal case, the order passed by the respondent is liable to be set aside. Accordingly, the same is set aside. The respondent is directed to return the Driving License of the petitioner within one week from the date of receipt of a copy of this order, without making any endorsement in the Driving License. However, it shall not preclude the respondent 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.

6.With these observations, the Writ Petition is allowed. No costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CS III)

//True Copy//सत्यमेव जयते

Sub Assistant Registrar

va
To

The Regional Transport Authority/
The Licensing Authority,
Office of the Regional Transport Authority,
Thiruvallur, Thiruvallur District.

+1cc to Mr.V.Ajay Khose, Advocate, S.R.No.22281

+1cc to the Government Pleader, S.R.No.27478

W.P.No.13214 of 2016 and

W.M.P.Nos.11583 & 11584 of 2016

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