

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.04.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition No.14751 of 2016

M.Elumalai

... Petitioner

vs.

1.The Inspector of Police,
Traffic Investigation Wing,
J-3, Guindy Police Station,
Chennai.

2.The Licensing Authority-cum-
Regional Transport Officer,
Poonamallee.

... Respondents

Writ petition has been filed under Article 226 of the Constitution of India, praying for a Writ of mandamus directing the second respondent herein to return the original driving licence (DL No.TN10 W 20030012990) to the petitioner forthwith.

For Petitioner : Mr.K.Hariharan

For Respondents : Mr.A.Zakir Hussain

ORDER

The petitioner has come up with the present writ petition for a mandamus, directing the second respondent to return the original driving licence (DL No.TN10 W 20030012990) to him forthwith.

2. It is the case of the petitioner that he is a driver of Metropolitan Transport Corporation, Chennai. On 10.01.2016, while he was on duty and when he was driving a lorry bearing Registration No.TMN 8910, an accident occurred, due to which, a pedestrian died. Pursuant to the same, the first respondent registered a case against him for the offences punishable under sections 279, 304-A and 337 IPC and forwarded the same to the Metropolitan Magistrate Court, Saidapet. During the course of investigation, the first respondent also seized the original driving licence of the

petitioner and thereafter, sent the same to the second respondent, with a recommendation to cancel it. However, till date, no action has been taken by the second respondent. Further, the criminal case registered against the petitioner is also pending investigation. Therefore, the petitioner made a representation dated 1.4.2016 to the second respondent requesting to return his driving licence. As there was no response, he has filed the present petition for the above stated relief.

3. When the matter came up for consideration, learned counsel for the petitioner has drawn the attention of this Court to the order dated 16.02.2016 made in WP.No.5608 of 2016, wherein, this Court, in similar circumstances, by relying on the decision of this Court reported in 2015 (2) CTC 626 (R.Ravi v. the Regional Transport Officer, Transport Department, Chennai-600 078 [Chennai West]) directed the authority concerned to return the driving licence to the petitioner therein, on the ground that during the pendency of the criminal case, the authority has no power to impound the driving licence of the petitioner.

4. Following the same, this writ petition is disposed of with a direction to the second respondent to return the original driving licence (DL No.TN10 W 20030012990) to the petitioner forthwith on production of a copy of this order. No costs.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

To

1.The Inspector of Police,
Traffic Investigation Wing,
J-3, Guindy Police Station,
Chennai.

2.The Licensing Authority-cum-
Regional Transport Officer,
Poonamallee.

+1 cc to M/s.K.Hariharan Advocate sr.24662

+1 cc to the Government Pleader sr.24964

W.P.No.14751 of 2016

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