

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.04.2016

CORAM

THE Hon'ble Mr.JUSTICE M. DURAISWAMY

W.P.No.16631 of 2016

and

WMP No/14371 of 2016

B. Raghupathy

.... Petitioner

vs

The Regional Transport Authority,
Licensing Authority,
Office of the Regional Transport
1st floor, Municipal Commercial Building Complex,
New Street, Alandur, Chennai-600 016

..... Respondent

Writ Petition filed under Article 226 of the Constitution of India praying this Court to issue a Writ of Mandamus directing the respondent to return forthwith the petitioner original driving licence, without any endorsement and within a specified time.

For petitioner : Mr.V. Ajoy Khose

For respondent : Mr.M.S. Ramesh
AGP

ORDER

The petitioner has filed the above writ petition to issue a Writ of Mandamus directing the respondent to return forthwith the petitioner original driving licence, without any endorsement and within a specified time.

2. The case of the petitioner is that he is working as a Driver in the Chennai Metropolitan Transport Corportation and on 03.04.2016, an accident had occurred and a person had died. The police registered a F.I.R against the petitioner in Cr.No.141/M2/2016 for the offence punishable under Secs. 279 and 304-A IPC. The police also seized the original licence of the petitioner and handed over the same to the respondent.

According to the petitioner, the seizure of the driving licence is erroneous in view of the judgment of this court reported in 2010 W.L.R 100 (P. Sethuram vs The Licensing Authority, The Regional Transport Office, Dindigul), wherein, the Division Bench of this Court held that before completion of the criminal proceedings, the licence of the petitioner should not be seized.

3. Since the driving licence of the petitioner, seized by the respondent, was before the completion of the criminal case, this Court, in WP No.6607/2015 dated 10.03.2015 quashed such an order, passed by the respondent and directed the respondent to return the driving licence to the petitioner.

4. Following the order passed in the Writ petition in WP No.6607 of 2015 dated 10.03.2015, I direct the respondent to return the driving licence of the petitioner forthwith. 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. With these observations, the writ petition is disposed of. No costs. Consequently, connected MP is closed.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

To

The Regional Transport Authority,
Licensing Authority,
Office of the Regional Transport
1st floor, Municipal Commercial Building Complex,
New Street, Alandur, Chennai-600 016

+1 cc to Mr.V.Ajay Khose Advocate sr.27458

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