

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 02.06.2016

CORAM

THE HON'BLE MR.JUSTICE T.S.SIVAGNANAM

Writ Petition No.17158 of 2016
and
W.M.P.No.14595 of 2016

M.Sampasivam

...Petitioner

Vs.

1. The State rep. by its
Inspector of Police,
Traffic Investigation Wing,
R.4, Pondy Bazaar Police Station,
Chennai - 17.
2. The Licensing Authority Cum Regional
Transport Officer,
Chennai South West,
Virugambakkam, Chennai -92

...Respondents

Writ Petition filed under Article 226 of the Constitution of India, for issuance of Writ of Mandamus, directing the respondents to return back the original driving licence of the petitioner, bearing No. TN.01.19960004723, dated 16.08.1996, containing the public badge No.95992, dated 15.05.1998-TN-01, immediately.

For Petitioner : Mr.Karl Mozhi

For Respondents : Mr.R.Laxminarayanan

Additional Government Pleader

ORDER

The petitioner has filed this Writ Petition, seeking for issuance of a writ of mandamus, to direct the respondents to return back the original driving licence of the petitioner, bearing No. TN.01.19960004723.

2. It is not in dispute that the accident occurred, when the petitioner was driving the Vehicle on 08.03.2016, in which, one lady died, which resulted in a criminal case against the petitioner. The licence of the petitioner has been now seized and retained by the second respondent. The petitioner has filed this Writ Petition, submitting that mere pendency of the criminal case will not be a ground to seize and retain the licence, that too, by the second respondent.

3. Heard the learned Additional Government Pleader appearing for the respondent.

4. The issue as to whether the licence can be suspended on account of the pendency of the criminal case, or, whether it could be retained, was considered by the Hon'ble Division Bench of this Court, in the case of (P.Sethuraman Vs. Licensing Authority, R.T.O.) reported in (2010) W.L.R. 100). The said decision was followed by this Court in the case of (C.Murugan Vs. The Inspector of Police, Traffic Investigating Wing and another) in W.P.No.5544 of 2016, dated 03.03.2015.

5. Following the decision of the Hon'ble Division Bench, referred to above, this Writ Petition is allowed and the second respondent is directed to return the petitioner's driving license, after obtaining an undertaking from the petitioner, that he will produce the license before the respondents as and when required. Consequently, connected Miscellaneous Petition is closed. No costs.

Sd/-
Assistant Registrar(J)

//True Copy//

Sub Assistant Registrar

sd

To

1. The Inspector of Police,
Traffic Investigation Wing,
R.4, Pondy Bazaar Police Station,
Chennai - 17.
2. The Licensing Authority Cum Regional
Transport Officer, Chennai South West,
Virugambakkam, Chennai -92

+ 1 cc to Government Pleader Sr.29517

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KGK(CO)
EU 14.6.16