

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:21.06.2016

C O R A M

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

W.P.No.20141 of 2016

M.Rajagopal

... Petitioner

Vs

1.The Transport Commissioner,
Chepauk, Chennai - 600 005.

2.The Assistant License Issuing Authority,
Thiruvallur Regional Transport Office,
Thiruvallur.

3.The Regional Transport Officer,
Poonamallee Regional Transport Office,
Poonamallee, Thiruvallur District.

4.The Inspector of Police,
Traffic Investigation Wing,
Poonamallee Police Station,
Chenneer Kuppam, Thiruvallur District.

5.The Branch Manager,
Avadi Depot, Thiruvallur District.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the respondents 1 to 4 to return the petitioner's driving license in D.L.No.TN 21 19960002721 enable him to join and continue his service in the 5th respondent transport corporation.

For petitioner

... Mr.A.Rajesh Kanna

For respondents 1 to 4

... Mr.A.Zakkir Hussain
Government Advocate

For 5th respondent

... Mr.P.Kannan Kumar

ORDER

The petitioner has filed the above Writ Petition to issue a writ of mandamus to direct the respondents 1 to 4 to return the petitioner's driving license in D.L.No.TN 21 19960002721.

2.It is the case of the petitioner that even before the completion of the criminal case registered against the petitioner under Sections 279 and 304 (A) of the Indian Penal Code in Crime No.472/2016 dated 30.04.2016 by the 4th respondent, the Driving License was seized by the respondents.

3.The issue involved in the present Writ Petition is covered by the decision of a Division Bench of this Court reported in 2010 Writ L.R. 100 [P.Sethuram Vs. The Licensing Authority, The Regional Transport Officer, The Regional Transport Office, Dindigul] wherein the Division Bench held that the respondents 1 to 4 cannot seize the Driving License before the completion of the criminal case.

4.Mr.A.Zakkir Hussain, learned Government Advocate taking notice for the respondents submitted that the issue involved in the present Writ Petition is covered by the decision referred above.

5.In these circumstances, following the ratio laid down in the decision reported in 2010 Writ L.R. 100 [P.Sethuram Vs. The Licensing Authority, The Regional Transport Officer, The Regional Transport Office, Dindigul], the respondents 1 to 4 are directed to return the driving license to the petitioner forthwith on production of a copy of this order. However, it is open for the respondents 1 to 4 to proceed in accordance with law after issuing notice.

6.With this observation, the Writ Petition is disposed of. No costs.

-s/d-

Assistant Registrar

True Copy

सत्यमेव जयते

Sub-Assistant Registrar

sgl
To

1.The Transport Commissioner,
Chepauk, Chennai - 600 005.

2.The Assistant License Issuing Authority,
Thiruvallur Regional Transport Office,
Thiruvallur.

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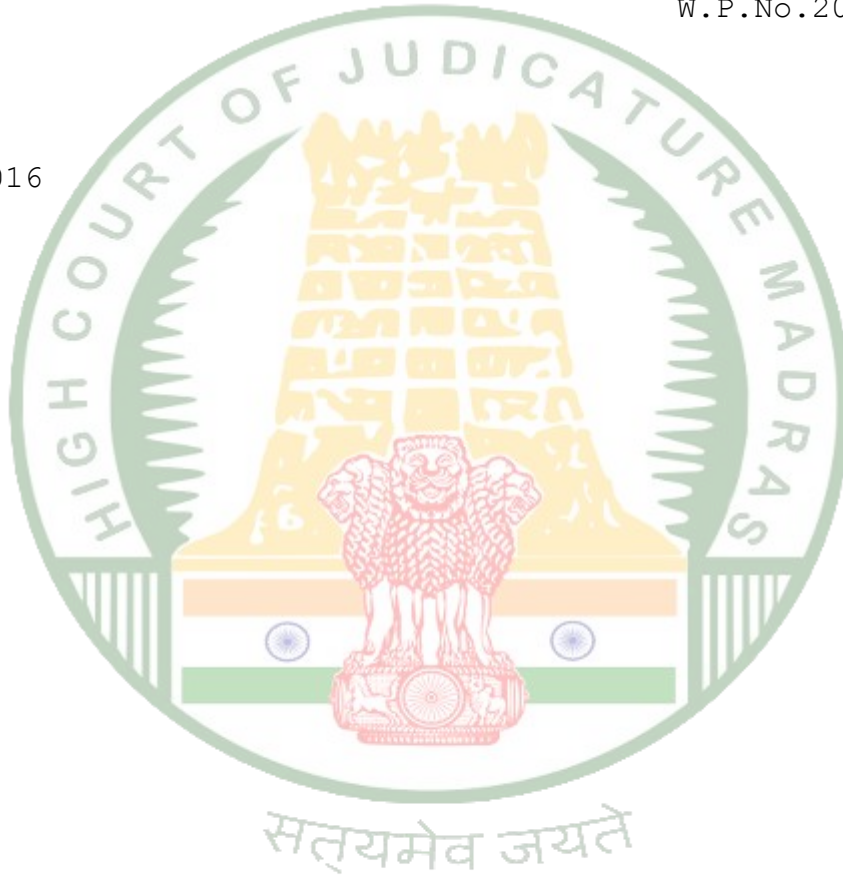
3.The Regional Transport Officer,
Poonamallee Regional Transport Office,
Poonamallee, Thiruvallur District.

4.The Inspector of Police,
Traffic Investigation Wing,
Poonamallee Police Station,
Chenneer Kuppam, Thiruvallur District.

+1 cc to M/s.A.Rajesh kanna Advocate sr.34274
+1 cc to M/s.P.Kannan Kumar Advocate sr.34615

W.P.No.20141 of 2016

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