

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.7.2016

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P.No.22018 of 2016

C.Kalidoss

... Petitioner

Vs

- 1.The Transport Commissioner,
Chepauk,
Chennai-600 005
- 2.The Assistant License Issuing Authority,
Arni Regional Transport Office,
Thiruvannamalai District.
- 3.The Regional Transport Officer,
Meenambakkam Regional Transport Office,
Kancheepuram District.
- 4.The Inspector of Police,
Traffic Investigation Wing,
St.Thomas Mount Police Station,
Chennai.
- 5.The Branch Manager,
Metropolitan Transport Corporation,
Adambakkam Depot,
Chennai-600 106

... Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of mandamus directing the respondents 1 to 4 to return the petitioner's driving licence in D.L.No.TN 02 20050020164 enable him to join and continue his service in the 5th respondent transport corporation.

For Petitioner : Mr.A.Rajesh Kanna

For Respondents : Mr.A.Mohamed Mushtak,
Government Advocate

ORDER

Heard Mr.A.Rajesh Kanna, learned counsel for the petitioner and Mr.A.Mohamed Mushtak, learned Government Advocate, who accepts notice for the respondents and with the consent of parties, the writ petition itself is taken up for final disposal.

2. The petitioner has filed this writ petition to issue a writ of mandamus directing the respondents 1 to 4 herein to return his original driving license (TN 02 20050020164).

3. It is the case of the petitioner that even before the completion of the criminal case registered against him under Sections 279 and 338 of the Indian Penal Code, in Crime No.274 of 2016, dated 17.6.2016, by the fourth respondent, his Driving License was seized by the respondents.

4. 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 has held that the respondents cannot seize the Driving License before the completion of the criminal case.

5. Mr.A.Mohamed Mushtak, learned Government advocate submitted that the issue involved in the present writ petition is covered by the decision referred to above.

6. 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), this Court directs the respondents 1 to 4 to return the driving license to the petitioner forthwith on production of a copy of this order. However, it is open for the respondents to proceed in accordance with law after issuing notice.

7. With the above observation, the writ petition is disposed of. No costs.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

msk

To

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

2.The Assistant License Issuing Authority,
Arni Regional Transport Office,
Thiruvannamalai District.

3.The Regional Transport Officer,
Meenambakkam Regional Transport Office,
Kancheepuram District.

4.The Inspector of Police,
Traffic Investigation Wing,
St.Thomas Mount Police Station,
Chennai.

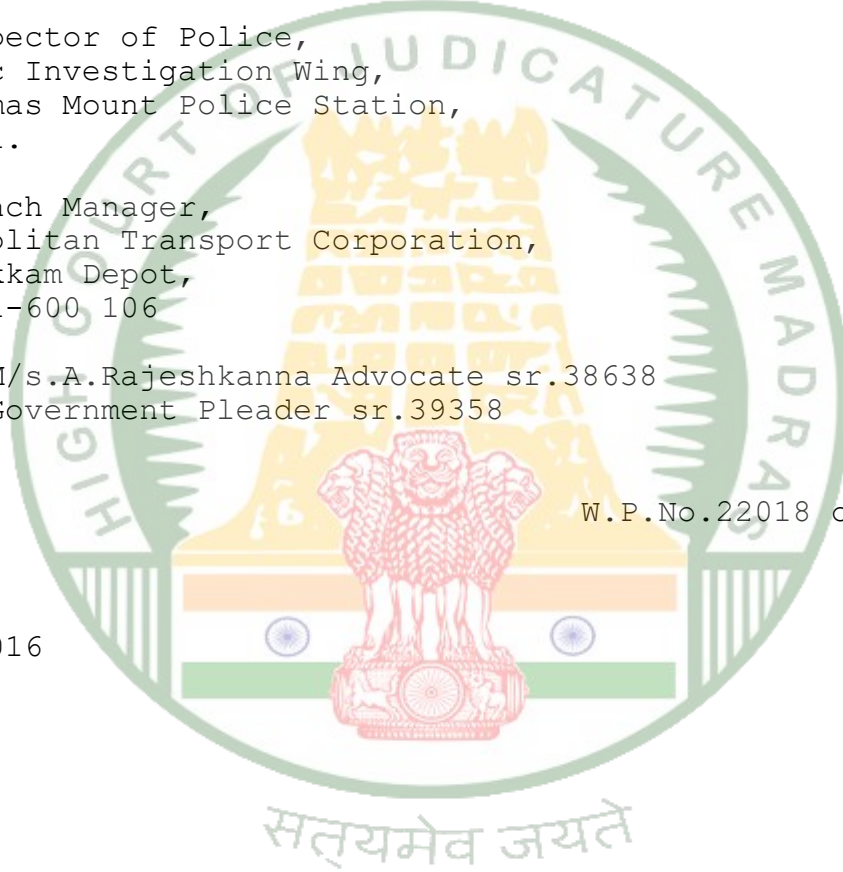
5.The Branch Manager,
Metropolitan Transport Corporation,
Adambakkam Depot,
Chennai-600 106

+1 cc to M/s.A.Rajeshkanna Advocate sr.38638

+1 cc to Government Pleader sr.39358

W.P.No.22018 of 2016

aa25/07/2016



WEB COPY