

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.07.2016

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P.No.22194 of 2016
&
W.M.P.No.18939 of 2016

G.Jothi

... Petitioner

vs.

1.The Licensing Authority,
The Regional Transport Officer,
Tiruvannamalai,
Tiruvannamalai District.

2.The Motor Vehicle Inspector,
Tiruvannamalai.

3.The Inspector of Police
Kilpennathur Police Station
Tiruvannamalai.

... Respondents

Petition filed under Article 226 of The Constitution of India praying to issue a writ of certiorarified mandamus to call for the records of the 1st respondent's proceeding in R.No.36676/A6/2016 dated 10.06.2016 and to quash the same as illegal and consequently direct the respondents to return the petitioner's driving licence No.TN0220010005840.

For Petitioner : Mr.P.Subramanian

For Respondents: Mr.R.Lakshmi Narayanan

Additional Government Pleader

O R D E R

The petitioner has filed the above Writ Petition to issue a writ of certiorarified mandamus to call for the records of the 1st respondent in connection with the impugned order dated 10.06.2016 suspending the petitioner's Driving License and to quash the same and to consequently direct the 1st respondent herein to return the driving license to the petitioner.

2.It is the case of the petitioner that he is a Driver in Tamil Nadu State Transport Corporation. The 3rd respondent police had registered a case under Sections 279 and 304(A) of

the Indian Penal Code in Crime No.169 of 2016 dated 26.05.2016 against the petitioner on the allegation that he drove the vehicle bearing Registration No.TN-25N-0292 in a rash and negligent manner and caused an accident. The 3rd respondent had handed over the Driving License of the petitioner to the 2nd respondent, who in turn, handed over the same to the 1st respondent and the 1st respondent is retaining the petitioner's Driving License. Hence, the petitioner has filed this Writ Petition to quash the impugned order and to direct the 1st respondent to return the original Driving License for the reason that the criminal case has not yet been decided.

3.The learned counsel appearing for the petitioner submitted that the issue involved in the present Writ Petition is covered by the decision of this Court reported in 2015 (2) CTC 626 [R.Ravi Vs. The Regional Transport Officer, Transport Department, Chennai - 600 078 [Chennai (West)]] wherein it has been held as follows:

"Following the ratio laid down by the Division Bench of this Court reported in P.Sethuram V. The Licensing Authority, The Regional Transport Officer, Dindigul, 2009 (2) TN MAC 252 (DB) : 2010 WLR 100, the impugned Order passed by the Respondent is liable to be set aside and accordingly, the same is set aside. The Respondent is directed to return the Driving Licence of the petitioner within a week from the date of receipt of a copy of this Order. 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."

4.Mr.R.Lakshmi Narayanan, learned Additional Government Pleader appearing for the respondents also submitted that the issue is covered by the judgment of this Court reported in 2015 (2) CTC 626 [R.Ravi Vs. The Regional Transport Officer, Transport Department, Chennai - 600 078 [Chennai (West)]].

5.Having regard to the submissions made by the learned counsel on either side, following the ratio laid down in the said judgment, the impugned order passed by the 1st respondent dated 10.06.2016 is set aside. The 1st respondent is directed to return the Driving License of the petitioner within a week's time from the date of receipt of a copy of this order. However, it shall not preclude the respondents 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.

6.With this observation, the Writ Petition is allowed. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(V)

//True Copy//

Sub Assistant Registrar

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To

1.The Licensing Authority,
The Regional Transport Officer,
Tiruvannamalai,
Tiruvannamalai District.

2.The Motor Vehicle Inspector,
Tiruvannamalai.

3.The Inspector of Police
Kilpennathur Police Station
Tiruvannamalai.

+ 1 cc to M/s. R. Subramanian, Advocate SR.37682

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SSK(CO)
Eu 12.7.16

सत्यमेव जयते

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