

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.08.2016

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P.No.26305 of 2016

and

WMP No.22562 of 2016

Kuppuraj M (PR No.RD3626)

...

Petitioner

Vs.

The Regional Transport Officer
(Licensing Authority),
Regional Transport Office,
Mettupalayam - 641 301.
Coimbatore District.

...

Respondent

PRAYER: Writ Petition filed under Article 226 of Constitution of India praying to issue Writ of certiorari to call for the records of the respondent vide his proceedings No.16422/A3/2016, dated 01.06.2016 and quash the same as illegal, arbitrary and against the provisions of the Act.

For Petitioner : Mr.A.Rajendran

For Respondent : Mr.A.Zakkir Hussain, GA

ORDER

In this writ petition, the petitioner has challenged the impugned proceedings dated 01.06.2016 of the respondent, in and by which, the respondent suspended the driving license of the petitioner.

2. According to the petitioner, the respondent has suspended the driving license of the petitioner even before the completion of the criminal case pending against him. The case was registered against the petitioner under Sections 279 and 304 (A) of IPC in Crime No.222/2016. However, the criminal case had not yet been completed.

3. The Hon'ble Division Bench of this Court in the judgment reported in 2010 Writ L.R.100 (P.Sethuram v. The

Licensing Authority, The Regional Transport Officer, The Regional Transport Office, Dindigul) held that the respondent has no right to seize the Driving License before the completion of the criminal case. I have also considered the similar issue in M.Murugesan v. the Transport Commissioner, Chennai (W.P.No.26406 of 2016, dated 28.07.2016).

4. In these circumstances, following the above referred decisions, this Court directs the respondent to return the petitioner's driving license to the petitioner forthwith on production of a copy of this order. However, it is open for the respondent to proceed in accordance with law after issuing notice. With this observation, the writ petition is disposed of. No Costs. WMP.No.22562 of 2016 is closed.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

rkm

To

The Regional Transport Officer
(Licensing Authority),
Regional Transport Office,
Mettupalayam - 641 301.
Coimbatore District.

1 cc to Mr.A.Rajendiran, Advocate, sr.44254
1 cc to The Government Pleader, sr.44572

W.P.No.26305 of 2016

gr co
kra 23.08.2016

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