

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.07.2016

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P.No.26406 of 2016

M.Murugesan, DR No.58040

... Petitioner

Vs.

1. The Transport Commissioner,
Chepauk, Chennai - 05.
2. The Assistant Licensing Authority,
Unit Office, Rasipuram.
3. The Regional Transport Officer,
Regional Transport Office (Chennai South),
Thiruvanmiyur, Chennai - 600 041.
4. The Inspector of Police,
J-2, Adayar Traffic Investigation,
Besant Bazaar, Chennai - 20.
5. The General Manager,
Metropolitan Transport Corporation,
Pallavan House, Chennai - 02.

... Respondents

PRAYER: Writ Petition filed under Article 226 of Constitution of India praying to issue Writ of mandamus to direct the respondents 1 to 3 to return the petitioner's Driving License in D.L.No.TN-28-Z-19940000830 and enable him to join duty as Driver in the fifth respondent.

For Petitioner : Mr.M.Rajendran

For Respondents : Mr.A.Mohammed Mustaba,
Government Advocate

ORDER

The petitioner has filed the above writ petition to issue a writ of mandamus to direct the respondents 1 to 3 to return the petitioner's driving license in D.L.No.TN-28-Z-19940000830.

2. According to the petitioner, the respondents 1 to 3 have seized his driving license 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.349/2016, dated 13.05.2016. 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 respondents have no right to seize the Driving License before the completion of the criminal case.

4. Mr.A.Mohammed Mustaba, learned Government Advocate, by accepting notice on behalf of 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 P.Sethuram's case (cited supra), this Court directs the respondents 1 to 3 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 respondents to proceed in accordance with law after issuing notice. With this observation, the writ petition is disposed of. No Costs.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

rkm

To

1. The Transport Commissioner,
Chepauk, Chennai - 05.
2. The Assistant Licensing Authority,
Unit Office, Rasipuram.
3. The Regional Transport Officer,
Regional Transport Office (Chennai South),
Thiruvannamiyur,
Chennai - 600 041.

4. The Inspector of Police,
J-2, Adayar Traffic Investigation,
Besant Bazaar, Chennai - 20.

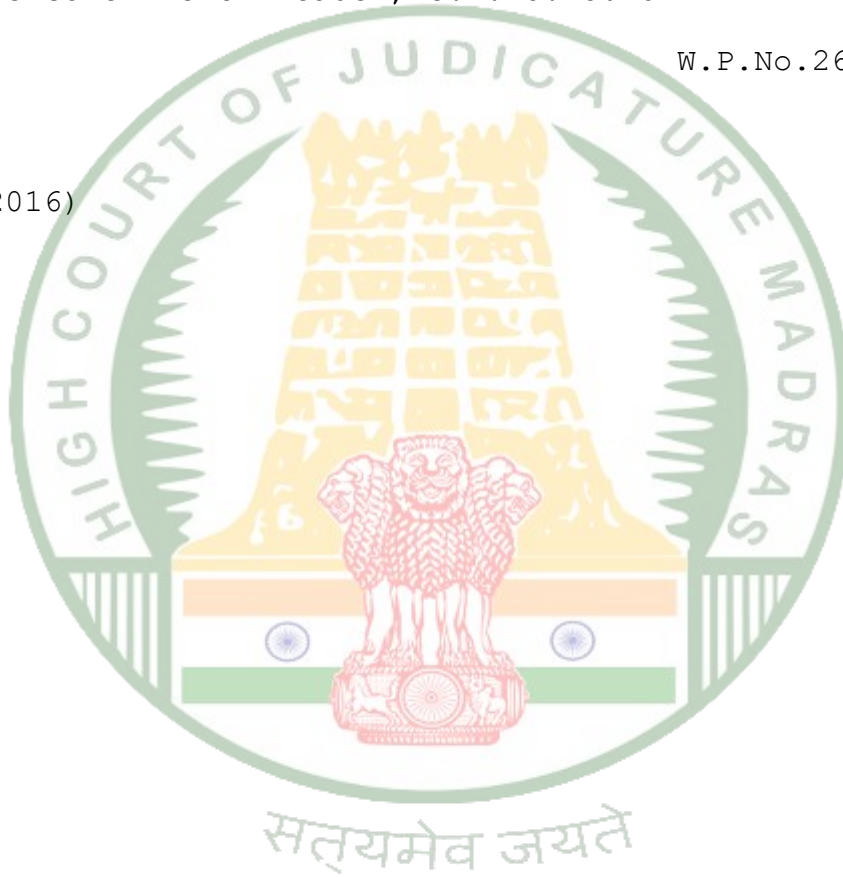
5. The General Manager,
Metropolitan Transport Corporation,
Pallavan House, Chennai - 02.

+1cc to Mr.M.Rajendiran, Advocate, S.R.No.42867

+1cc to the Government Pleader, S.R.No.43028

W.P.No.26406 of 2016

GJ II(CO)
CA(10/08/2016)



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