

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.08.2016

CORAM

THE HONOURABLE Mr. JUSTICE T.S.SIVAGNANAM

W.P.No.26701 of 2016

I.Encer Raja, Driver C-27773
S/o.T.Irudhayaraj
6/436, Sivasakthi Nagar
Bikkatty Post, Kundha T.K,
The Nilgiris District 643 209.

.. Petitioner

..Vs..

1.The Licensing Authority
Regional Transport Office
Dr.Balasundaram Road
Coimbatore District

2.The Inspector of Police
Traffic Investigation Wing
T1W - West Police Station
Coimbatore District.

3.The General Manager
Tamil Nadu State Transport Corporation Ltd.,
No.37, Mettupalayam Road
Coimbatore - District.

.. Respondents

Prayer

Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus directing the respondents 1 and 2 to return the Driving license of the petitioner forthwith.

For Petitioner : Mr.R.Y.George Williams

For Respondent : Mr.C.C.Rangarajan, G.A.,
for R1 and R2

Mr.P.Paramasivadoss,
for R3

ORDER

The petitioner has filed the above writ petition to issue a writ of mandamus to direct the respondents 1 and 2 to return the Driving license of the petitioner forthwith.

2. According to the petitioner, the respondents 1 and 2 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.254/2016, dated 24.06.2016. 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. C.C. Rangarajan, learned Government Advocate, accepting notice on behalf of the respondents 1 and 2, 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 and 2 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.

6. With this observation, the writ petition is disposed of. No Costs.

Sd/-

Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

pgp

To

1.The Licensing Authority
Regional Transport Office
Dr.Balasundaram Road
Coimbatore District

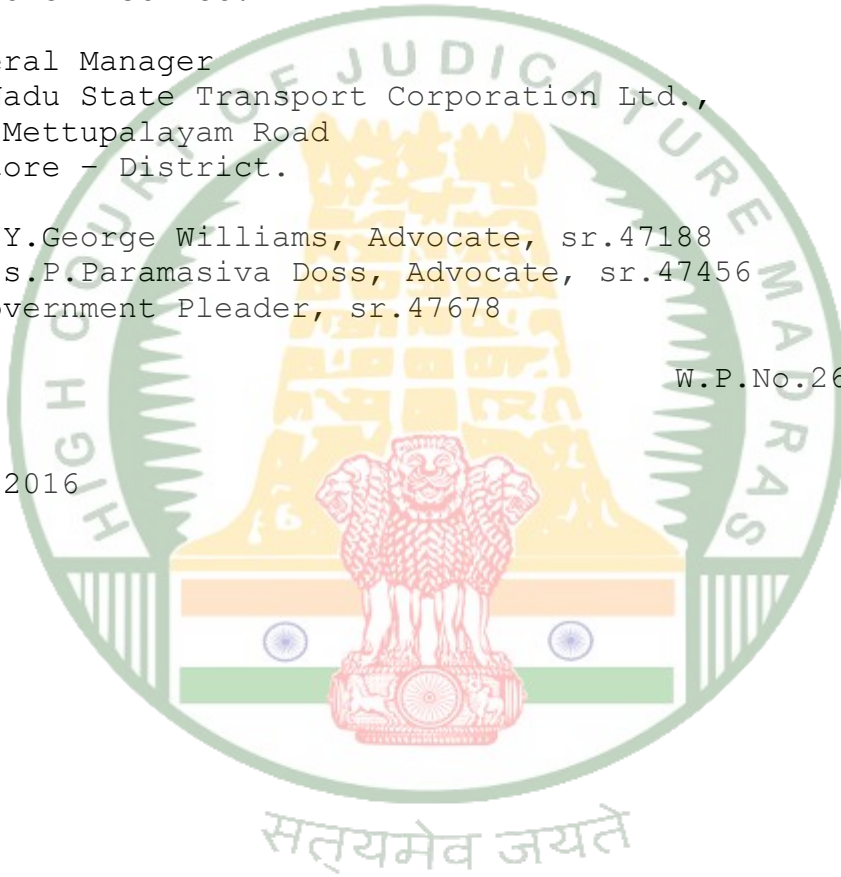
2.The Inspector of Police
Traffic Investigation Wing
T1W - West Police Station
Coimbatore District.

3.The General Manager
Tamil Nadu State Transport Corporation Ltd.,
No.37, Mettupalayam Road
Coimbatore - District.

1 CC to R.Y.George Williams, Advocate, sr.47188
1 cc to M/s.P.Paramasiva Doss, Advocate, sr.47456
1 cc to Government Pleader, sr.47678

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