

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.08.2016

C O R A M

THE HON'BLE Mr.JUSTICE T.S.SIVAGNANAM

W.P.No.27744 of 2016

A.Palani

... Petitioner

Vs

- 1.The Transport Commissioner,
Chepauk, Chennai - 600 005.
- 2.The Assistant License Issuing Authority,
Regional Transport Office Chennai (North),
Chennai-600 056.
- 3.The Regional Transport Officer,
Chennai - (Central) Regional Transport Office,
Ayanavaram, Chennai - 600 023.
- 4.The Inspector of Police,
Traffic Investigation Wing,
R4 Pondy Bazaar Police Station,
Chennai-600 017.
- 5.The Branch Manager,
Anna Nagar Depot,
Anna Nagar, Chennai - 600 101.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus to direct the respondents 1 to 4 to return the petitioner's driving license in D.L.No.392/TN04/1981 enable him to join and continue his service in the 5th respondent Transport Corporation.

For petitioner	... Mr.A.Rajesh Kanna
For respondents 1 to 4	... Mr.A.Zakkir Hussain
	Government Advocate
For 5 th respondent	... Mr.P.Kannan Kumar

O R D E R

Heard Mr.A.Rajesh Kanna, learned counsel appearing for the petitioner; Mr.A.Zakkir Hussain, learned Government Advocate for respondents 1 to 4 and Mr.P.Kannan Kumar, learned counsel for the 5th respondent. With the consent of the learned counsel on either side, the Writ Petition is taken up for final disposal.

2. The petitioner has filed the above Writ Petition to issue a writ of mandamus to direct the respondents 1 to 4 to return the petitioner's driving license in D.L.No.392/TN04/1981.

3. It is the case of the petitioner that even before the completion of the criminal case registered against the petitioner under Sections 279 and 304(A) of Indian Penal Code in Crime No.193/2016, dated 11.06.2016, by the 4th respondent, the Driving License was seized by the 4th respondent and the same was forwarded to the 3rd respondent-Regional Transport Officer, Ayanavaram Chennai for cancellation and accordingly, the 3rd respondent has seized the petitioner's driving license.

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 held that the respondents 1 to 4 cannot seize the Driving License before the completion of the criminal case.

5. Mr.A.Zakkir Hussain, learned Government Advocate for respondents 1 to 4 submitted that the issue involved in the present Writ Petition is covered by the decision referred 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], the respondents 1 to 4 are directed to return the driving license to the petitioner forthwith on production of a copy of this order. However, it is open for the respondents 1 to 4 to proceed in accordance with law after issuing notice.

7.With this observation, the Writ Petition is disposed of. No costs.

सत्यमेव जयते

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

sgl

To

- 1.The Transport Commissioner,
Chepauk, Chennai - 600 005.
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Chennai-600 056.
- 3.The Regional Transport Officer,
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Anna Nagar,
Chennai - 600 101.

+1 cc to Mr.P.Kannan Kumar Advocate sr 49443
+1 cc to Government Pleader sr 49149

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सत्यमेव जयते

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