

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 16.09.2016

Coram

The Hon'ble Mr. Justice T.S. Sivagnanam

Writ Petition No.30032 of 2016

and

W.M.P.No.26034 of 2016

C.RajendranPetitioner

Vs.

1. The Motor Vehicle Inspector,
O/o. the Motor Vehicle Inspector,
Thandalachery,
Thiruthuraipoondi.
2. The Inspector of Police,
O/o. Thiruthuraipoondi Police Station,
Thiruthuraipoondi.Respondents

Writ Petition filed under Article 226 of the Constitution of India, for issuance of Writ of Mandamus, directing the first respondent to return the petitioner's driving licence to the second respondent, and to direct the second respondent to issue an acknowledgment to the petitioner, and consequently to produce the same before the jurisdictional magistrate within the time limit that may be fixed by this Court.

For Petitioner : Mr.D.Bharathy

For Respondents : Mr.K.J.Sivakumar
Government Advocate

O R D E R

With the consent on either side, the Writ Petition itself is taken up for disposal

2. The petitioner has filed this Writ Petition, praying for issuance of a writ of mandamus to direct the first respondent/Motor

Vehicle Inspector to return the petitioner's driving licence to the second respondent/Inspector of Police, and to direct the second respondent to issue an acknowledgment to the petitioner, and consequently, to produce the same before the jurisdictional magistrate within the time that may be stipulated by this Court.

3. Mr.D.Bharathy, learned counsel appearing for the petitioner submitted that the issue involved in the present writ petition is covered by the decision of this court, in the case of **[R.Ravi v. The Regional Transport Officer, Transport Department, Chennai - 600 078]** reported in **2015(2) CTC 626**, following which, Writ Petition in W.P.No.5092 of 2016 was allowed.

4. Mr.K.J.Sivakumar, learned Government Advocate, accepting notice on behalf of respondents does not dispute the legal position, and submitted that the issue involved in the present writ petition is covered by the decision/case relied upon by the learned counsel for the petitioner.

5. It is not in dispute that the accident occurred when the petitioner was driving the Vehicle on 21.07.2016, in which, one person died, which resulted in a criminal case registered against the petitioner, and the matter is pending investigation. Pursuant to the said case, the licence of the petitioner has been confiscated by the second respondent and handedover to the first respondent with a direction to him to cancel the licence granted to the petitioner. Subsequently, the petitioner has been suspended from service. The petitioner has filed this Writ Petition, submitting that mere pendency of the criminal case will not be a ground to seize and retain the licence. The petitioner, in support of his contention, has placed reliance on the decision rendered in the case of **[R.Ravi v. The Regional Transport Officer, Transport Department, Chennai (referred supra)]**, following which, number of Writ Petitions were disposed of by this Court, and one such Writ Petition, being W.P.No.5092 of 2016, and for better appreciation, the operative portion of the order passed thereunder, dated 11.02.2016, is extracted herein below:-

"In these circumstances, in the light of the above decisions, the first respondent is directed to return the driving licence of the petitioner, which was seized in connection with Crime No.9/TN 1/2016, on the file of the second respondent, who shall, in turn, issue an acknowledgement to the petitioner and then produce the same before the Jurisdictional Magistrate and the learned Magistrate, in turn, shall exercise his power under Section 206 of the Motor Vehicles Act, 1988 and return the driving licence to the petitioner.

With these observations, the writ petition is allowed. No costs. "

6. Thus, following the orders passed in the above referred cases, the present Writ Petition is also disposed of on the same lines. Accordingly, the first respondent is directed to return the driving licence of the petitioner, which was seized in connection with a case in Crime No.384 of 2016, to the second respondent, who in turn, is directed to issue an acknowledgement to the petitioner, and then produce the same before the learned Jurisdictional Magistrate, and the learned Magistrate, in turn, shall exercise his power under Section 206 of the Motor Vehicles Act, 1988 and return the driving licence to the petitioner. No costs. Consequently, connected Miscellaneous Petition is closed.

sd

Sd/-

Assistant Registrar (CS-)

/TRUE COPY/

Sub-Assistant Registrar

To

1. The Motor Vehicle Inspector,
O/o. the Motor Vehicle Inspector,
Thandalachery,
Thiruthuraipoondi.
2. The Inspector of Police,
O/o. Thiruthuraipoondi Police Station,
Thiruthuraipoondi.

+1 CC Mr.D.Bharathy Advocate SR.No.52771

+1 CC Government Pleader SR.No.53120

Writ Petition No.30032 of 2016

MG
MSI 20/10/2016

WEB COPY