

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 15.09.2016

Coram

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

Writ Petition No.31174 of 2016

D.Prabhu

...Petitioner

Vs.

1. The Transport Commissioner,
Chepauk, Chennai - 5.
2. The Regional Transport Officer,
Regional Transport Office,
Tambaram, Chennai.
3. The Regional Transport Officer,
Regional Transport Office
Solinganalur, Chennai.
4. The Inspector of Police,
St.Thomas Mount Police Station,
Chennai.
5. The Managing Director,
Metropolitan Transport Corporation,
Pallavan House, Chennai -2.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India, for issuance of Writ of Mandamus, directing the respondents 1 to 4 to return the petitioner's driving licence in D.L.No.TN2220020015990, and to enable him to join duty before the fifth respondent.

For Petitioner	:	Mr.S.Rajanikanth
For Respondents1 -4	:	Mr.K.J.Sivakumar Government Advocate
For Respondent-5	:	Mr.P.Kannan Kumar Standing Counsel

O R D E R

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

2. The petitioner has filed this Writ Petition, seeking for issuance of a writ of mandamus to direct the respondents 1 to 4 to return the petitioner's driving licence in D.L.No.TN2220020015990, so as to enable him to join duty before the fifth respondent/Transport Coporation.

3. It is not in dispute that the accident occurred, when the petitioner was driving the Vehicle on 08.08.2016, in which, one lady died, which resulted in a criminal case against the petitioner. The licence of the petitioner has been now seized and retained by the second respondent. 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, that too, by the second respondent.

3. Heard Mr.K.J.Sivakumar, the learned Government Advocate, accepting notice for respondents 1 to 4, and Mr.P.Kannan Kumar, learned Standing Counsel, accepting notice for fifth respondent.

4. The issue as to whether the licence can be suspended on account of the pendency of the criminal case, or, whether it could be retained, was considered by the Hon'ble Division Bench of this Court, in the case of (P.Sethuraman Vs. Licensing Authority, R.T.O.) reported in (2010) W.L.R. 100). The said decision was followed by this Court in the case of (C.Murugan Vs. The Inspector of Police, Traffic Investigating Wing and another) in W.P.No.5544 of 2016, dated 03.03.2015, and following the above referred cases, several Writ Petitions were disposed of by this Court.

5. Thus, in the light of the decision of the Hon'ble Division Bench in the case referred to above, this Writ Petition is allowed, and the second respondent is directed to return the petitioner's driving license, after obtaining an undertaking from the petitioner, that he will produce the license before the respondents as and when required. No costs.

Sd/-
Asst. Registrar.

/true copy/

Sub Asst. Registrar.

sd

To

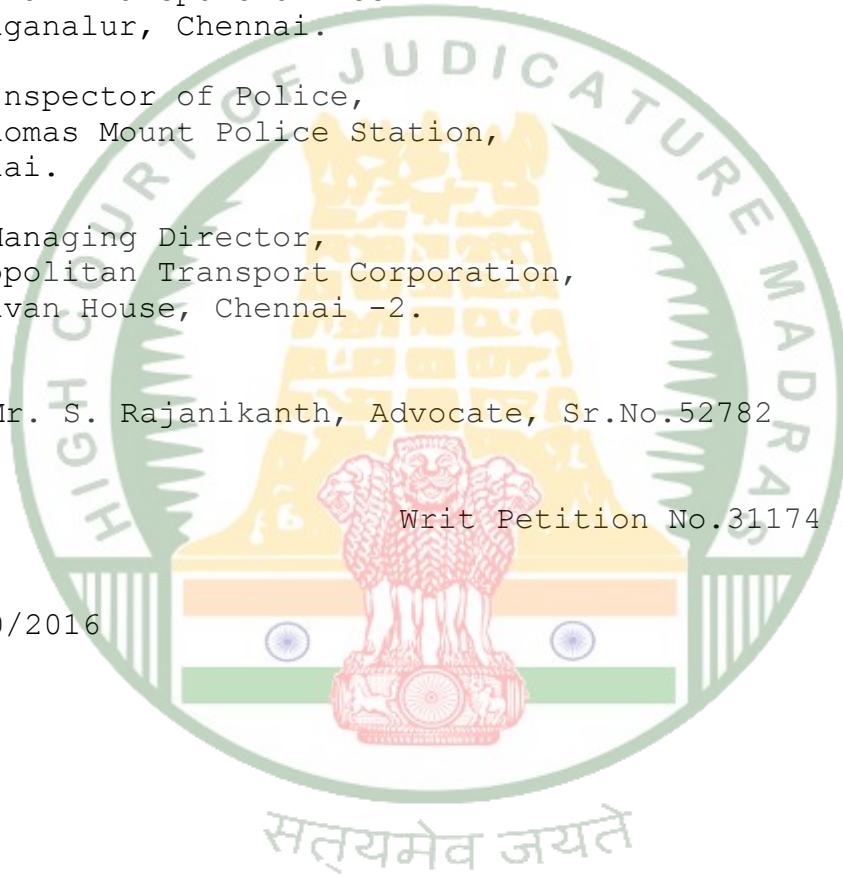
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+1 CC to Mr. S. Rajanikanth, Advocate, Sr.No.52782

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RJ (CO)

MD : 07/10/2016



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