

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.10.2016

C O R A M

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

W.P.No.31247 of 2016

T.Sudhar

... Petitioner

Vs

1.The Transport Commissioner,
Chepauk, Chennai - 600 005.

2.The Assistant License Issuing Authority,
Regional Transport Office,
Marthandam, Kanyakumari District.

3.The Regional Transport Officer,
Regional Transport Office,
Kundrathur, Kanchipuram District.

4.The Inspector of Police,
T-12 Traffic Investigation Wing,
Senneerkuppam, Poonamallee,
Chennai-600 056.

5.The Branch Manager,
Metropolitan Transport Corporation
K.K.Nagar Depot,
Chennai-600 078.

... 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.TN74Z 20050006861, enable him to join and continue his service in the fifth respondent Transport Corporation.

For petitioner

... Mr.A.Rajesh Kanna

For respondents 1 to 4

... Mr.K.J.Sivakumar
Government Advocate

For 5th respondent

... Mr.P.Kannan Kumar

O R D E R

Heard Mr.A.Rajesh Kanna, learned counsel appearing for the petitioner; Mr.K.J.Sivakumar, learned Government Advocate, accepting notice on behalf of respondents 1 to 4 and Mr.P.Kannan Kumar, learned counsel, accepting notice on behalf of the fifth respondent. With the consent of the learned counsel on either side, the Writ Petition itself is taken up for 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.TN74Z 20050006861.

3. It is the case of the petitioner that even before the completion of the criminal case registered against him under Sections 279 and 304(A) of Indian Penal Code in Crime No.939/PH1 of 2016, dated 26.08.2016, by the 4th respondent, the Driving License was seized by the fourth respondent and the same was forwarded to the third respondent-Regional Transport Officer, Kanchipuram District, for cancellation and accordingly, the third 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.K.J.Sivakumar, learned Government Advocate taking notice for the 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.

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

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

rpa

To

- 1.The Transport Commissioner,
Chepauk, Chennai - 600 005.
- 2.The Assistant License Issuing Authority,
Regional Transport Office,
Marthandam, Kanyakumari District.
- 3.The Regional Transport Officer,
Regional Transport Office,
Kundrathur, Kanchipuram District.
- 4.The Inspector of Police,
T-12 Traffic Investigation Wing,
Senneerkuppam, Poonamallee,
Chennai-600 056.
- 5.The Branch Manager,
Metropolitan Transport Corporation
K.K.Nagar Depot,
Chennai-600 078.

+1 cc to Mr.P.Kannan Kumar Advocate sr58456
+1 cc to M/s.A.Rajesh Kanna Advocate sr 57581
+1 cc to Government Pleader sr 57870

rk(co)
aa26/10/2016

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