

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.10.2016

CORAM

THE HONOURABLE Mr. JUSTICE T.S.SIVAGNANAM

W.P.No.33036 of 2016

S.Panneerselvam

... Petitioner

...Vs...

1. The Managing director,
Tamilnadu State Transport Corporation (Villupuram) Ltd.,
Salavedu,
Villupuram.
2. The General Manager,
Tamilnadu State Transport Corporation (Villupuram) Ltd.,
Tiruvannamalai Region,
Tiruvannamalai.
3. The Branch Manager,
Tamilnadu State Transport Corporation (Villupuram) Ltd.,
Tiruvannamalai Depot - I,
Tiruvannamalai.
4. The Regional Transport Officer,
Regional Transport Office,
Poonamallee,
Tiruvallur District.

... Respondents

Prayer

Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus directing the 4th respondent to return the original Driving Licence of the petitioner in D.L.No.TN25 19900001122.

For Petitioner : Mr.B.Jawahar

For Respondents : Mr.S.Sairaman for R1 to R3

Mr.S.Diwarar,
Special Government Pleader for R4

ORDER

The petitioner has filed the above writ petition to issue a writ of mandamus to direct the 4th respondent to return the original Driving Licence of the petitioner in D.L.No.TN25 19900001122.

2. According to the petitioner, the 4th respondent has 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.810/PH3/2016 on 27.07.2016. 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. S. Diwakar, learned Special Government Pleader, accepting notice on behalf of the fourth respondent, 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 fourth respondent 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(CO)

//True Copy//

Sub Assistant Registrar

vsi2/gm

To

1. The Managing director,
Tamilnadu State Transport Corporation (Villupuram) Ltd.,
Salavedu,
Villupuram.
2. The General Manager,
Tamilnadu State Transport Corporation (Villupuram) Ltd.,
Tiruvannamalai Region,
Tiruvannamalai.
3. The Branch Manager,
Tamilnadu State Transport Corporation (Villupuram) Ltd.,
Tiruvannamalai Depot - I,
Tiruvannamalai.
4. The Regional Transport Officer,
Regional Transport Office,
Poonamallee,
Tiruvallur District.

+1cc to Mr.B.Jawahar, Advocate, S.R.No.56721
+1cc to Mr.S.Sairaman, Advocate, S.R.No.57251
+1cc to the Government Pleader, S.R.No.56942

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CP(CO)
CA(19/10/2016)



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