

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.03.2016

CORAM

THE HON'BLE Mr. JUSTICE M.DURAISWAMY

W.P.No.5458 of 2016

and W.M.P.No.4763 of 2016

V.Thangaraj

... Petitioner

Vs.

1.The Regional Transport Officer,
Pollachi,
Coimbatore District.

2.The Inspector of Police,
Komangalam Police Station,
Komangalam,
Coimbatore District.

... Respondents

Petition filed under Article 226 of The Constitution of India praying to issue a writ of certiorarified mandamus to call for the records of the 1st respondent in connection with the impugned order passed in Se.Mu.aanai.No.03273/E3/2016 dated 29.01.2016 for suspending the petitioner's Driving License bearing TN4120000004690 (which is valid up to 30.10.2018) for the period of 3 months from 27.1.2016 to 26.4.2016 and to quash the same and consequently direct the 1st respondent herein to return the driving license to the petitioner after removing the endorsement suspended forthwith.

For Petitioner : Mr.A.Ganesan

For Respondents: Mr.M.S.Ramesh,
Additional Government Pleader

O R D E R

The petitioner has filed the above Writ Petition to issue a writ of certiorarified mandamus to call for the records of the 1st respondent in connection with the impugned order dated 29.01.2016 suspending the petitioner's Driving License and to

quash the same and to consequently direct the 1st respondent herein to return the driving license to the petitioner after removing the endorsement suspended forthwith.

2.It is the case of the petitioner that he is a Driver in Tamil Nadu State Transport Udumalai Division and in the accident that had occurred on 26.01.2016, a pedestrian sustained fatal injury and died on the same day. The 2nd respondent police had registered a case under Sections 279 and 304 (A) of the Indian Penal Code in Crime No.20/2015 dated 26.01.2016. The 2nd respondent had handed over the Driving License of the petitioner to the 1st respondent and the 1st respondent is retaining the petitioner's Driving License. Hence, the petitioner has filed the Writ Petition to issue a writ of mandamus to direct the 1st respondent to return the original Driving License for the reason that the criminal case has not yet been decided.

3.The learned counsel appearing for the petitioner submitted that the issue involved in the present Writ Petition is covered by the decision of this Court reported in 2015 (2) CTC 626 [R.Ravi Vs. The Regional Transport Officer, Transport Department, Chennai - 600 078 [Chennai (West)]] wherein it has been held as follows:

"Following the ratio laid down by the Division Bench of this Court reported in P.Sethuram V. The Licensing Authority, The Regional Transport Officer, Dindigul, 2009 (2) TN MAC 252 (DB) : 2010 WLR 100, the impugned Order passed by the Respondent is liable to be set aside and accordingly, the same is set aside. The Respondent is directed to return the Driving Licence of the petitioner within a week from the date of receipt of a copy of this Order. However, it shall not preclude the Respondent from initiating any action, if any of the contingencies specified in Motor Vehicles Act, arises later or if any of the Rules as prescribed by the Central Government, in pursuance of the provisions of the Act, are violated."

4.Mr.M.S.Ramesh, learned Additional Government Pleader appearing for the respondents also submitted that the issue is covered by the judgment of this Court reported in 2015 (2) CTC 626 [R.Ravi Vs. The Regional Transport Officer, Transport Department, Chennai - 600 078 [Chennai (West)]].

5.Having regard to the submissions made by the learned counsel on either side, following the ratio laid down in the

said judgment, the impugned order passed by the 1st respondent dated 29.01.2016 is set aside. The 1st respondent is directed to return the Driving License of the petitioner within a week's time from the date of receipt of a copy of this order. However, it shall not preclude the respondents from initiating any action, if any of the contingencies specified in Motor Vehicles Act, arises later or if any of the Rules as prescribed by the Central Government, in pursuance of the provisions of the Act, are violated.

6. With this observation, the Writ Petition is allowed. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-
Assistant Registrar (CS III)

//True Copy//

Sub Assistant Registrar

To

1. The Regional Transport Officer,
Pollachi,
Coimbatore District.
2. The Inspector of Police,
Komangalam Police Station,
Komangalam,
Coimbatore District.

+1cc to Mr. A. Ganesan, Advocate, S.R.No.12896

W.P.No.5458 of 2016
and W.M.P.No.4763 of 2016

vsn(CO)
srg(10/03/2016)

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