

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.03.2016

CORAM

THE HON'BLE Mr. JUSTICE M.DURAISWAMY

W.P.No.8184 of 2016 and
W.M.P.Nos.7277 & 7278 of 2016

R.Karthikeyan

... Petitioner

Vs.

The Regional Transport Officer,
Office of the Regional Transport Authority,
Thiruvallur, Thiruvallur District.
Respondent

...

Petition filed under Article 226 of The Constitution of India praying to issue a writ of certiorarified mandamus to call for the records pertaining to the order dated 09.02.2016 passed by the respondent in Che.Mu.Order.No.E5/3316/2016 and quash the same and consequently direct the respondent to return forthwith the petitioner's original license bearing No.TN 21 19940002212 without any endorsement.

For Petitioner : Mr.R.Krishnaswamy

For Respondent : 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 pertaining to the order dated 09.02.2016 passed by the respondent and to quash the same and consequently to direct the respondent to return the original driving license of the petitioner forthwith.

2.The learned counsel appearing for the petitioner submitted that after registration of FIR in Crime No.17/2016 on 30.01.2016 under Sections 279 and 304 (A) of the Indian Penal Code, the respondent, even without waiting for the adjudication of the matter, had suspended the license of the petitioner for six months from 30.01.2016 to 29.07.2016, invoking Section 19(1)(c) of the Motor Vehicles Act. The learned counsel for the petitioner submitted that the order passed by the respondent, without waiting for a decision to be taken in the criminal case, is erroneous and is liable to be

set aside. Further, the learned counsel submitted that the issue involved in the Writ Petition is squarely covered by the decisions of this Court made in W.P.No.6607 of 2015 dated 10.03.2015 and W.P.No.3925 of 2015 dated 04.03.2015.

3.Mr.M.S.Ramesh, learned Additional Government Pleader taking notice for the respondent submitted that the issue involved is covered by the decisions relied upon by the learned counsel for the petitioner.

4.Following the ratio laid down by this Court in the Writ Petitions relied upon by the learned counsel for the petitioner, the impugned order dated 09.02.2016 passed by the respondent is liable to be set aside. Accordingly, the same is set aside. The 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 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.

5.With this observation, the Writ Petition is allowed. No costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS-VI)

//True Copy//

Sub Assistant Registrar

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To

The Regional Transport Officer,
Office of the Regional Transport Authority,
Thiruvallur, Thiruvallur District.

+1 cc to Mr.V.Ajaykhose, Advocate, sr.14147

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ug co
kra 08.03.2016