

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.03.2017

CORAM

THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU

Writ Petition No.7193 of 2017

P.Deenadhayalan

.. Petitioner

Vs.

1. The Transport Commissioners  
Chepauk, Chennai-600 005.
2. The Assistant License Issuing Authority  
O/o. Regional Transport Office,  
Unit Office, Gingee,  
Villupuram District.
3. The Regional Transport Officer  
O/o. Regional Transport Office  
Ambattur, Chennai-600 053.
4. The Inspector of Police  
T12 Traffic Investigation Wing  
Poonamallee,  
Chennai-600 056.
5. The Branch Manager  
Metropolitan Transport Corporation  
Madhavaram Depot,  
Chennai-600 110.

.. Respondents

PRAYER: Writ petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus, to direct the respondents 1 to 4 to return the petitioner's driving license in D.L.No.TN 32 Y 19960000187 enable him to join and continue his service in the 5th respondent transport corporation.

For Petitioner : Mr.A.Rajesh Kanna

For Respondents : Mr.C.Jagdish  
Special Government Pleader

O R D E R

Mr.C.Jagdish, learned Special Government Pleader, takes notice for the respondents 1 to 4. The fifth respondent is a formal party. By consent of the parties, the main writ petition is taken up for final disposal at the admission stage itself.

2. The petitioner seeks for a Mandamus, directing the respondents 1 to 4 to return the petitioner's driving license bearing No. TN 32 Y 19960000187.

3. Heard both sides.

4. The petitioner is a driver in the Metropolitan Transport Corporation. It is stated that the petitioner's driving licence was seized on 05.03.2017, in pursuant to an accident taken place and followed by the registration of FIR in Crime No.242 of 2017 under Sections 279, 338 and 304(A) of IPC. Now the petitioner seeks for return of the driving licence by contending that the respondents 1 to 4 are not entitled to seize and retain the driving licence, simply because a criminal case is filed against the petitioner and the same is pending. It is also stated that till date, no show cause notice is issued to the petitioner. It is also stated that the respondents 1 to 4 have not passed any order, suspending the petitioner's license also.

5. The learned counsel appearing for the petitioner invited the attention of this Court to the Division Bench decision 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) and a single Judge decision made in W.P.No.16958/2013 dated 01.07.2013 reported in 2013 Writ L.R.843 (S.Duraivelu vs. The Regional Transport Officer, West Tambaram, Chennai & 2 others), wherein, this Court has considered a similar issue and found that even the suspension of the license on the ground that a criminal case is pending, is erroneous. I myself followed the above decisions in similar cases, wherein licence was suspended. In this case, as it is stated that the petitioner's driving license is not suspended and that the show cause notice has also not been issued so far, I do not think that the respondents 1 to 4 are justified in retaining the driving license of the petitioner.

6. Accordingly this writ petition is allowed and the respondents 3 & 4 are directed to return the driving license to the petitioner within a period of seven days from the date of receipt of a copy of this order. It is needless to say, that it

is open for the respondents 1 to 4 to initiate appropriate proceedings in accordance with law, by giving due notice to the petitioner and hearing the matter thereafter. No costs.

Sd/-  
Assistant Registrar

//True Copy//

Sub Assistant Registrar

mk

To

1. The Transport Commissioners  
Chepauk, Chennai-600 005.
2. The Assistant License Issuing Authority  
O/o. Regional Transport Office,  
Unit Office, Gingee,  
Villupuram District.
3. The Regional Transport Officer  
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Ambattur, Chennai-600 053.
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T12 Traffic Investigation Wing  
Poonamallee,  
Chennai-600 056.
5. The Branch Manager  
Metropolitan Transport Corporation  
Madhavaram Depot,  
Chennai-600 110.

+1cc to Mr.Rajesh Kumar, Advocate, S.R.No.18542  
+1cc to the Government Pleader, S.R.No.19035

W.P.No.7193 of 2017

NR(CO)  
RS(05/04/2017)