

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:26.04.2017

CORAM

THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU

W.P.No.10515 of 2017

and

WMP.No.11414 of 2017

C.Rathinavel

... Petitioner

vs.

1. The Regional Transport Officer,
Omalur & Post,
Salem District.
2. The Motor Vehicles Inspector,
Regional Transport Office,
Omalur & P.O.,
Salem District.
3. The Inspector of Police,
Omalur Police Station,
Salem District.

.... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus to direct the respondents to not impound the driving licence of the petitioner and to return his driving licence to him.

For Petitioner : Mr.S.Ayyathurai
For Respondents : Mr.M.Elumalai,
Government Advocate.

O R D E R

Mr.M.Elumalai, learned Government Advocate takes notice for the respondents and by consent of the parties, the main writ petition itself is taken up for final disposal.

2. The petitioner seeks for a mandamus directing the respondents to return the original driving license to the petitioner.

3. It is seen that the petitioner is a driver, employed in the State Transport Corporation Limited, Salem. On 13.03.2017, while he was driving a bus, he caused an accident which has

resulted in loss of life of a passenger of the said bus. The petitioner's driving license was seized in pursuant to the accident that took place on 13.03.2017 followed by the registration of a criminal case in Crime No.184/2017. It is further stated that the license of the petitioner is not suspended so far and no proceedings in any form was issued to the petitioner till this date. Therefore, it is contended by the petitioner that the seizure of the license and retaining the same is erroneous merely because the criminal case was registered against the petitioner in respect of an accident. Learned counsel for the petitioner, in support of his contention relied on the decision 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 Thambaram, Chennai & 2 others).

4. Learned counsel appearing for the respondents submitted that the license of the petitioner was seized since an accident had taken place on 13.3.2017 while the petitioner was driving the bus.

5. Heard both sides.

6. It is seen that the petitioner's driving license was seized pursuant to the accident that had taken place on 13.03.2017 followed by the registration of the criminal case. It is further seen that the license of the petitioner has not been suspended so far. Even in respect of the cases where the license were suspended, this Court in the above referred cases, has held that the authorities are not entitled to suspend the license merely because the criminal case is registered against the petitioner. Therefore, the petitioner is entitled to get back the license, however, with liberty to the respondents to proceed against the petitioner in accordance with law.

7. Accordingly, the writ petition is allowed and the respondents are directed to return the driving license of the petitioner immediately on receipt of a copy of this order. However, it shall not preclude the first respondent from initiating any action, if any of the contingencies specified in Clauses (a) to (h) of Section 19(1) of the Act, arises later or if any of the Rules as prescribed by the Central Government in pursuance of Section 19(1)(f) are violated. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Asst.Registrar (CS III)

/true copy/

Sub Asst. Registrar

vsi

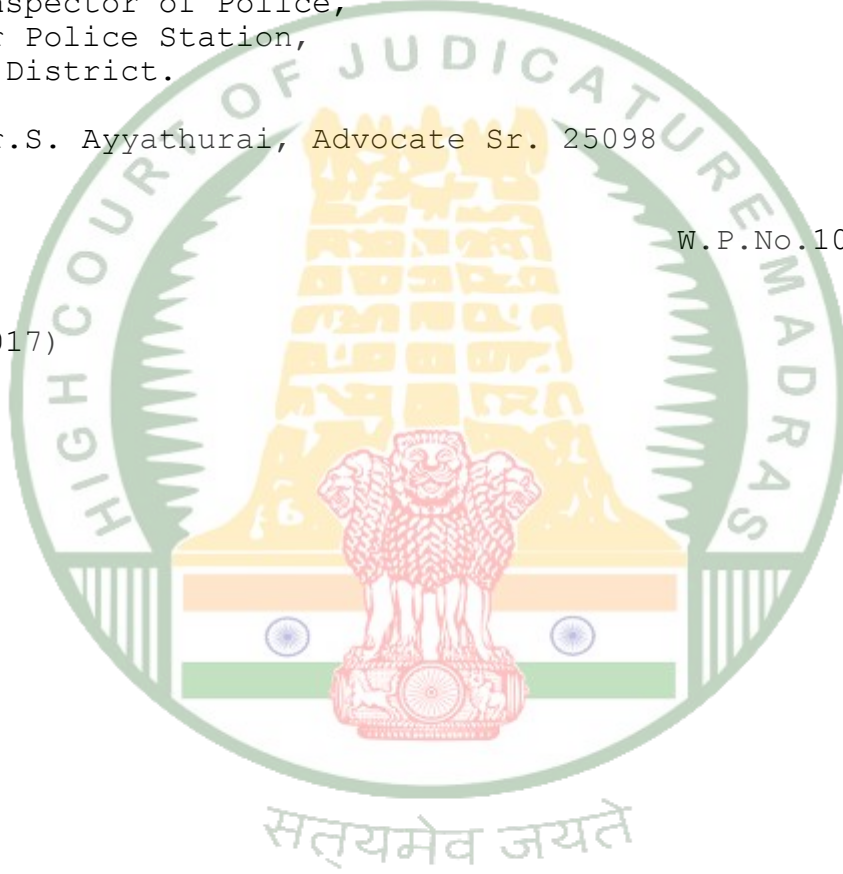
To

1. The Regional Transport Officer,
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Salem District.
2. The Motor Vehicles inspector,
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Omalur & P.O., Salem District.
3. The Inspector of Police,
Omalur Police Station,
Salem District.

+1cc to Mr.S. Ayyathurai, Advocate Sr. 25098

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KGK (CO)
VR(26/4/2017)



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