

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:10.04.2017

CORAM

THE HONOURABLE MR.JUSTICE RAVICHANDRABAABU

W.P.No.8500 of 2017

S.Ramalingam

... Petitioner

vs.

1. The Transport Commissioner,
Chepauk,
Chennai - 600 005.
2. The Assistant License Issuing Authority,
O/o Regional Transport Office,
Unit Office,
Tiruttani,
Thiruvallur District.
3. The Regional Transport Officer,
O/o Regional Transport Office,
West K.K.Nagar,
Chennai-600 078.
4. The Inspector of Police,
Traffic Investigation Wing,
J-3, Guindy Police Station,
Chennai - 600 032.
5. The Branch Manager,
Metropolitan Transport Corporation,
Avadi Depot, Chennai.

... 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 1 to 4 to return the petitioner's driving license in D.L.No.TN 20 20070001995 enable him to join and continue his service in the 5th respondent transport corporation.

For Petitioner : Mr.A.Rajesh Kanna

For Respondents : Mr.M.Elumalai, Govt.Advocate for R1 to R5
Mr.P.Kannan Kumar
Standing Counsel for R5

O R D E R

Mr.M.Elumalai, learned Government Advocate takes notice for the respondents 1 to 4 and Mr.P.Kannan Kumar, learned Standing Counsel takes notice of the 5th respondent. 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 1 to 4 to return the petitioner's driving license in D.L.No.TN 20 20070001995 to enable him to join and continue his service in the 5th respondent Transport Corporation.

3. It is seen that the petitioner is a driver employed in the Metropolitan Transport Corporation and his driving license was seized in pursuant to an accident that took place on 11.03.2017 followed by registration of a criminal case in Crime No.172/2017. 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 Tambaram, 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 11.03.2017 while the petitioner was driving the vehicle.

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 11.03.2017 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 third 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.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

vsi
To

1. The Transport Commissioner,
Chepauk,
Chennai - 600 005.
2. The Assistant License Issuing Authority,
O/o Regional Transport Office,
Unit Office,
Tiruttani,
Thiruvallur District.
3. The Regional Transport Officer,
O/o Regional Transport Office,
West K.K.Nagar,
Chennai-600 078.
4. The Inspector of Police,
Traffic Investigation Wing,
J-3, Guindy Police Station,
Chennai - 600 032.
5. The Branch Manager,
Metropolitan Transport Corporation,
Avadi Depot, Chennai.

+1CC TO mr.A.Ragesh Kannan, Advocate SR.No.21452
+1cc to Mr.P.Kannan Kumar, Advocate SR.No.21650
+1cc to the Government Pleader SR.No.22122

W.P.No.8500 of 2017

EV(CO)
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