

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.04.2017

CORAM

THE HONOURABLE MR.JUSTICE RAVICHANDRABAABU

W.P.No.7759 of 2017
and
WMP.No.8487 of 2017

M.Subramaniam

... Petitioner

Vs.

1. The State rep. by its
Inspector of Police,
St.Thomas Mount (Traffic Investigation Wing)
Chennai City Greater Police, Chennai - 16.

2. The Regional Transport Authority,
Virugambakkam, Chennai - 600 097

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus or any other appropriate writ or order or direction in the nature of a writ directing the respondents 1 & 2 to return back the original driving licence of the petitioner bearing No.TN.09.19890002695 dated 29.07.1989 along with the public badge contained therein immediately to the petitioner.

For Petitioner : Ms.Karlmози

For Respondents : Mr.M.Elumalai,
Government Advocate

ORDER

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 bearing No. TN.09.19890002695 dated 29.07.1989 along with the public badge contained therein.

3. It is seen that the petitioner is a driver employed in the Metropolitan Transport Corporation Limited, Chennai, and his driving license was seized in pursuant to the accident took

place on 11.01.2017 followed by registration of a criminal case in Crime No.21/2017. 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 11.01.2017 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 11.01.2017 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 second 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 WMP is closed.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

vsi

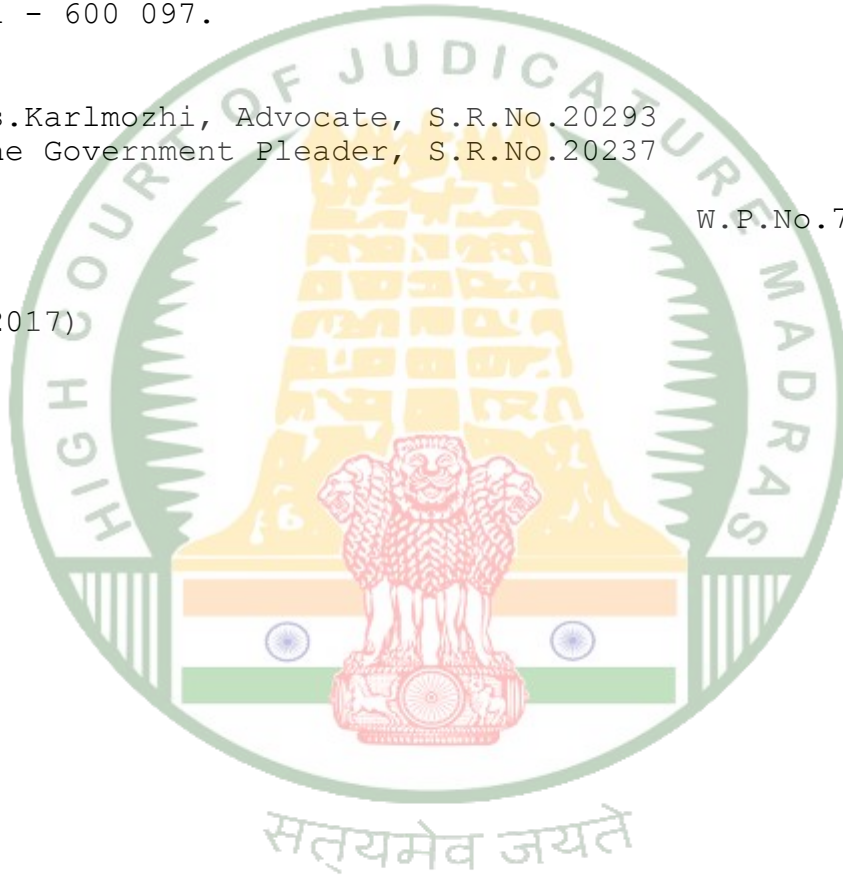
To

1. The Inspector of Police,
St.Thomas Mount (Traffic Investigation Wing)
Chennai City Greater Police
Chennai - 16.
2. The Regional Transport Authority,
Virugambakkam,
Chennai - 600 097.

+1cc to Ms.Karlmози, Advocate, S.R.No.20293
+1cc to the Government Pleader, S.R.No.20237

W.P.No.7759 of 2017

RSK(CO)
CA(06/04/2017)



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