

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.12.2017

CORAM

THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU

Writ Petition No.31292 of 2017

N.Sudhakar
S/o.Narayanasamy

.. Petitioner

versus

- 1.The State
Rep. by Transport Commissioner
Chepauk, Chennai-05.
 - 2.The Assistant License Issuing Authority
Regional Transport Officer
Perambalur District.
 - 3.The Regional Transport Officer
Regional Transport Officer
Tindivanam, Villupuram District.
- Respondents

..

Writ petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, directing the 3rd respondent herein to consider the representation of the petitioner dated 26.09.2017, which is seeking to return the petitioner's driving license TN32Y20070000244.

For Petitioner : Mr.S.Ravichandran

For Respondents : Mr.P.Senthilvel
Government Advocate

O R D E R

Mr.P.Senthilvel, learned Government Advocate takes notice for the respondents.

2. The petitioner seeks for a direction to the third respondent to consider his representation dated 26.09.2017, wherein and whereby he sought for return of the driving licence No.TN32Y20070000244.

3. Heard both sides.

4. The petitioner is a Taxi Driver and in pursuant to an accident took place on 25.04.2013, followed by registration of a criminal case in Crime No.42 of 2013, the petitioner's driving licence was seized and also suspended thereafter for a period from 08.02.2013 to 07.08.2013. It is stated that though a criminal case is pending, as the suspended period was already over, the petitioner is entitled to get back his driving licence, as the said licence is valid upto 17.01.2027. Therefore, the petitioner after making repeated request on several occasions, finally sent a representation on 26.09.2017, for returning the said driving licence.

5. The grievance of the petitioner is that all these four years, his request was not considered. It is seen that the petitioner's driving licence, after its seizure was suspended for a period of six months commencing from 08.02.2013 to 07.08.2013. Therefore, the respondents are not justified in retaining the driving licence with them, assuming a criminal case is pending against the petitioner. In this aspect, this Court has passed several orders by following the decision made by the Division Bench 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.

6. Therefore, this writ petition is allowed and the respondents are directed to return the driving licence to the petitioner, immediately on receipt of a copy of this order, unless there is no other legal impediment for the respondents to return the same to the petitioner. No costs.

Sd/-

Assistant Registrar(J)

//True Copy//

Sub Assistant Registrar

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To

1.The Transport Commissioner
The State
Chepauk, Chennai-05.

2.The Assistant License Issuing Authority
Regional Transport Officer
Perambalur District.

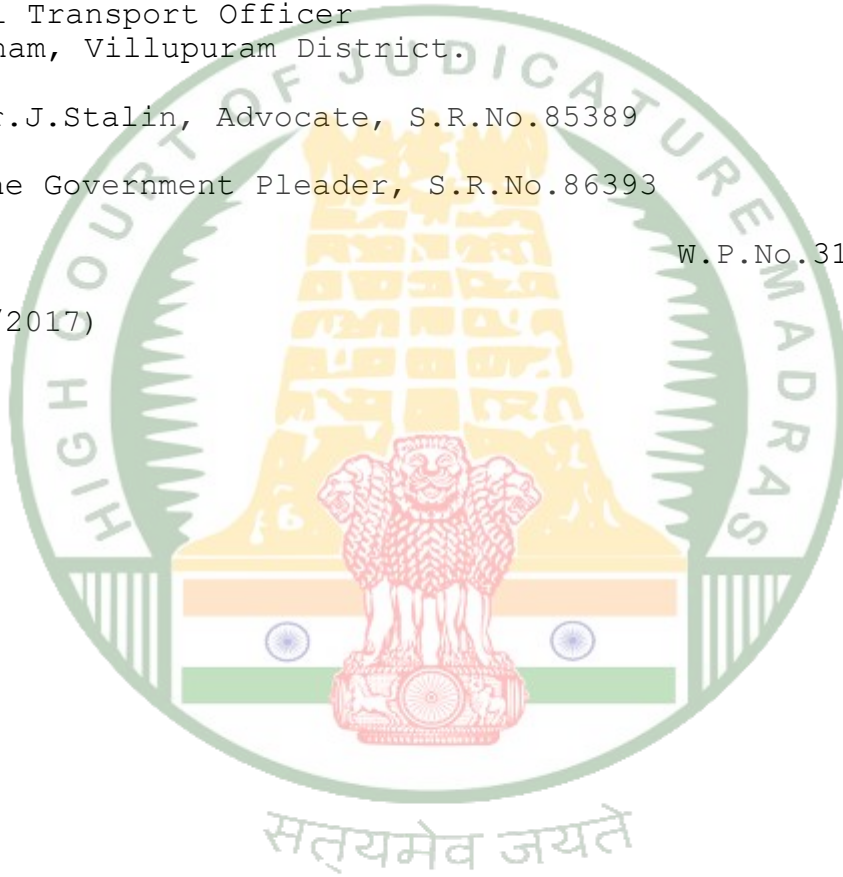
3.The Regional Transport Officer
Regional Transport Officer
Tindivanam, Villupuram District.

+1cc to Mr.J.Stalin, Advocate, S.R.No.85389

+1cc to the Government Pleader, S.R.No.86393

W.P.No.31292 of 2017

RRK(15/12/2017)



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