

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.12.2017

CORAM

THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU

W.P.No.31907 of 2017

S.Shibu

... Petitioner

vs.

1. Inspector of Police,  
Traffic Investigating Wing,  
Madhavaram Police Station,  
Chennai-60.

2. The Licensing Authority cum-  
Regional Transport Officer,  
Chennai North,  
Kolathur,  
Chennai - 99.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus to direct the 2<sup>nd</sup> respondent herein to return the original driving licence (TN-74-Z-20030000444) to the petitioner forthwith.

For Petitioner : Mr.K.Hariharan

For Respondents : Mr.P.V.Selvakumar

Additional Government Pleader

O R D E R

Mr..P.V.Selvakumar, learned Additional Government Pleader 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 to direct the 2<sup>nd</sup> respondent herein to return the original driving licence (TN-74-Z-20030000444) to the petitioner forthwith.

3. It is seen that the petitioner is a driver of Metropolitan Transport Corporation of Chennai and his driving license was seized in pursuant to the accident took place on 04.10.2017 followed by registration of a criminal case by the 1<sup>st</sup> respondent under Sections 279 and 304-A IPC. 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).

5. Learned counsel appearing for the respondents submitted that the license of the petitioner was seized since an accident had taken place on 04.10.2017 while the petitioner was driving the vehicle.

6. Heard both sides.

7. It is seen that the petitioner's driving license was seized pursuant to the accident that had taken place on 04.10.2017 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.

8. 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 Motor Vehicles Act, arises later or if any of the Rules as prescribed by the Central Government in pursuance of Section 19(1)(f) of the Act, are violated. No costs.

Sd/-  
Assistant Registrar(CS-VII)

//True Copy//

Sub Assistant Registrar

vsi

To

1. Inspector of Police,  
Traffic Investigating Wing,  
Madhavaram Police Station,  
Chennai-60.

2. The Licensing Authority cum-  
Regional Transport Officer,  
Chennai North,  
Kolathur, Chennai - 99.

+ 1 cc t Mr. K. hariharan, Advocate SR.87499

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EU(12/12/2017)



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