

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.12.2017

CORAM

THE HON'BLE Mr. JUSTICE K.RAVICHANDRABAABU

W.P.No.32093 of 2017

M.Babu

... Petitioner

Vs.

1. The Regional Transport Officer (RTO)
Licensing Authority,
Regional Transport Office,
Chennai - North, Kolathur,
Chennai - 600 1108.12.2017

2. The Inspector of Police,
Traffic Investigation Wings,
GNT Road traffic Investigation,
Madhavaram Police Station,
Chennai - 600 060.

... Respondents

This writ petition is filed under Article 226 of the Constitution of India, to issue a writ of Mandamus to direct the 1st respondent to return the Driving License No.TN.07 199 7000 7772 issued on 26.09.1997 Transport Vehicle valid up to 04.10.2018 of the petitioner which was seized in connection with Cr.No.516/GNT1/2017 on the file of G.N.T. Road Traffic Investigation Wing, Madhavaram, Chennai - 600 060, the 2nd respondent, Investigation Officer, who shall, in turn issue an acknowledgement to the petitioner and then produce the same before the jurisdictional Magistrate and the learned Magistrate, in turn shall exercise his/her power under Section 206 of the Motor Vehicles Act, 1988 and return the Driving License to the petitioner.

For Petitioner : Mr.R.Ravindran

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. By consent, the main writ petition itself is taken up for final disposal at the admission stage itself.

2. The petitioner seeks for a mandamus directing the 1st respondent to return the Driving License No.TN.07 199 7000 7772 of the petitioner.

3. It is seen that the petitioner is a driver in the Metro Transport Corporation (Chennai) Ltd., and his driving license was seized in pursuant to the accident that took place on 14.10.2017 followed by registration of a criminal case in Crime No.516/GNT1/2017. 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).

5. Learned counsel appearing for the respondents submitted that the license of the petitioner was seized since an accident had taken place on 14.10.2017 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 14.10.2017 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-)

//True Copy//

Sub Assistant Registrar

vsi/mm

Note: Issue order copy on 18.12.2017

To

1. The Regional Transport Officer(RTO)
Licensing Authority, Regional Transport Office,
Chennai - North, Kolathur, Chennai - 600 110.
2. The Inspector of Police,
Traffic Investigation Wings,
GNT Road traffic Investigation,
Madhavaram Police Station,
Chennai -600 060.

+1cc to Mr.R.RAVINDRAN, Advocate, S.R.No. 88024

+1cc to the Government Pleader, S.R.No. 88542

W.P.No.32093 of 2017

TR(18/12/2017)

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