IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:13.12.2017

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THE HONOURABLE MR.JUSTICE RAVICHANDRABAABU

W.P.No.32313 of 2017

P.Prabakaran ... Petitioner

vs.

1. The Inspector of Police,
   Kalambur Police Station,
   Thiruvannamalai District.

2. The Regional Transport Officer,
   Thiruvannamalai District. ... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus to direct the 2nd respondent herein to return the petitioner's Driving Licence bearing DL No.TN-25-Z-20140004655 forthwith.

For Petitioner : Mr.A.Ganesan

For Respondents : Mr.R.Govindasamy,
Special Government Pleader

O R D E R

Mr.R.Govindasamy, Special 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 2nd respondent herein to return the petitioner's Driving Licence bearing DL No.TN-25-Z-20140004655 forthwith.

3. It is seen that the petitioner is a driver employed in KIML Private Company and his driving license was seized in pursuant to the accident took place on 23.09.2017 followed by registration of a criminal case in Crime No.510/2017. 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

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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 Thambaram, 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 23.09.2017 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 23.09.2017 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/-
Deputy Registrar

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//True Copy//

Sub Assistant Registrar

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To
1. The Inspector of Police,
   Kalambur Police Station,
   Thiruvannamalai District.

2. The Regional Transport Officer,
   Thiruvannamalai District.

+1cc to Mr.A.Ganesan, Advocate SR.No.88700
+1cc to Government Pleader SR.No.89017

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