

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.05.2017

CORAM

THE HONOURABLE Mr. JUSTICE K.KALYANASUNDARAM

W.P.No.12367 of 2017

S.Sivasubramaniam

...Petitioner

Versus

The Regional Transport Officer,
Regional Transport Office,
Veerapandi Division,
Tirupur (South)
Tirupur.

...Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India, seeking for issuance of a Writ of Mandamus directing the Respondent to return the Petitioner's Original Driving Licence bearing D.L.TN39 20080002532 to the Petitioner forthwith.

For Petitioner : Mr.C.Prakasam

For Respondent : Mr.P.Sanjai Gandhi
Additional Government Pleader

O R D E R

Mr.P.Sanjai Gandhi, learned Additional Government Pleader takes notice for the respondent 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 Respondent to return the Petitioner's Original Driving Licence bearing D.L. TN39 20080002532 to the Petitioner forthwith.

3. It is seen that the petitioner is the driver employed in the Tamil Nadu State Transport Corporation Limited, Kovai Region, Tirupur Division, Palladam Branch and his driving license was seized in pursuant to an accident took place on 17.03.2017, which has resulted in loss of life of a human while crossing the road. A criminal case in Crime No.269/2017 was registered against the petitioner for the alleged offences 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 Thambaram, Chennai & 2 others).

4. Learned counsel appearing for the respondent submitted that the license of the petitioner was seized since an accident had taken place, which resulted in a loss of life on 17.03.2017, 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 17.03.2017 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 respondent to proceed against the petitioner in accordance with law.

7. Accordingly, the writ petition is allowed and the respondent is directed to return the driving license of the petitioner immediately on receipt of a copy of this order. However, it shall not preclude the 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.

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

rts

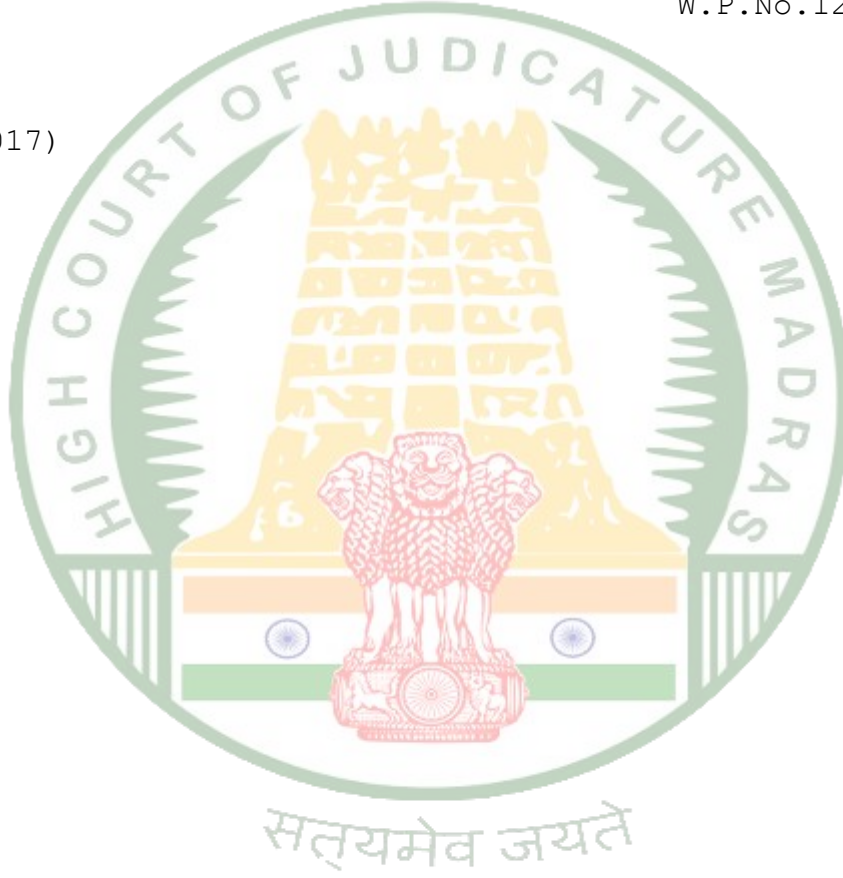
To

The Regional Transport Officer,
Regional Transport Office,
Veerapandi Division,
Tirupur (South), Tirupur.

+2cc to Mr.C. Prakasam, Advocate Sr. 37208

W.P.No.12367 of 2017

MG(CO)
VR(25/5/2017)



WEB COPY