

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.09.2017

CORAM

THE HON'BLE Mr. JUSTICE M.DURAI SWAMY

W.P.No.21992 of 2017

R.Elangovan

... Petitioner

v.

1 Inspector of Police
Ambur Police Station
Vellore District

2 The Licensing Authority Cum
Regional Transport Officer
Vaniyambadi

3 Appellate Authority Cum
Joint Commissioner
Vellore

... Respondents

Petition filed under Article 226 of The Constitution of India praying to issue a writ of Certiorarified Mandamus, calling for the records of the 2nd respondent passed in NA.KA.13245/ E2/ 2017 dated NIL/7/ 2017 suspending the driving licence of the petitioner for a period of six months from 29.05.2017 to 28.11.2017, quash the same and direct the respondents to release the driving licence and to reconsider the appointment of the petitioner.

For Petitioner : Ms.Janagi Rajamannar
For Respondent : Mr.S.Diwakar
Special Govt. Pleader

O R D E R

Mr.S.Diwakar, learned Special Government Pleader, takes notice for the respondents. By consent, the main writ petition itself is taken up for disposal at the admission stage itself.

2. The petitioner has filed the above Writ Petition to issue a writ of Certiorarified Mandamus to call for the records on

the file of the 2nd respondent dated Nil/7/ 2017 suspending the driving licence of the petitioner for a period of six months from 29.05.2017 to 28.11.2017, to quash the same and direct the respondents to release the driving licence and to reconsider the appointment of the petitioner.

3. It is the case of the petitioner that he is a Driver in the Tamil Nadu State Transport Corporation Limited, Villupuram Division, Vellore for the past 4 years and that while he was driving the bus bearing Registration No.TN-23-8-B-2223 from Chennai to Hosur, an accident had occurred on 29.05.2017, due to which, the Pedestrian had died. Pursuant to the accident, the 1st respondent registered the case in Crime No.241 of 2017 against the petitioner under sections 279 & 304-A of IPC and the same is pending for investigation.

4. Though the 1st respondent has registered the First Information Report against the petitioner, the 2nd respondent by the impugned order dated 13.07.2017 suspended the driving licence of the petitioner for a period of six months i.e. from 29.05.2017 to 28.11.2017.

5. In the affidavit filed in support of the petition, the petitioner has stated that the accident had occurred only due to the negligence of the Pedestrian and not because of his rash and negligent driving.

6. The learned counsel appearing for the petitioner submitted that the impugned order passed by the 2nd respondent suspending the driving licence of the petitioner even prior to the completion of the criminal case is erroneous for the reason that the Division Bench of this court in the Judgment reported in 2010 WLR 100 [P.Sethuram V. The Licensing Authority, The Regional Transport Officer, Dindigul] has observed that the licence can be suspended only after the completion of the criminal case.

7. Mr.S.Diwakar, learned Special Government Pleader appearing for the respondents also submitted that in view of the judgment of this Court reported in 2010 WLR 100 [cited Supra], relied upon by the learned counsel for the petitioner, the impugned order may be set aside.

8. In view of submissions made by the learned counsel on either side, following the ratio laid down by the Division Bench of this court reported in 2010 WLR 100 [cited Supra], the impugned order dated 13.07.2017 suspending the driving licence of the petitioner for a period of six months from 29.05.2017 to 28.11.2017 is quashed and the writ petition stands allowed. The respondents are directed to return the original Driving

License of the petitioner within two weeks from the date of receipt of a copy of this order. However, it shall not preclude the respondents 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 the provisions of Section 19(1)(F), are violated.

With these observations, the Writ Petition is allowed. No costs.

Sd/-
Asst.Registrar (CS III)

/true copy/

Sub Asst. Registrar

Rj

To

- 1 Inspector of Police
Ambur Police Station
Vellore District
- 2 The Licensing Authority Cum
Regional Transport Officer
Vaniyambadi
- 3 Appellate Authority Cum
Joint Commissioner
Vellore

+1cc to the Government Pleader Sr. 63656
+1cc to M/S.Janagi Rajamannar, Advocate Sr. 63920

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VR(05/09/2017)