

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.08.2017

CORAM:

THE HON'BLE Mr. JUSTICE T.S.SIVAGNANAM

Writ Petition No.22029 of 2017

K.Sarathkumar

..Petitioner

..vs..

1. Inspector of Police,
Traffic Investigating Wing,
Guindy Police Station, Chennai
2. The Licensing Authority-cum-
The Regional Transport Officer,
Sholinganallur, Chennai 600 119 ..Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus to direct the second respondent herein to return the Original Driving Licence (DL. No.TN25-Z-20120008922) to the petitioner forthwith.

For Petitioner : Mr. K.Hariharan
For Respondents : Mrs. A.Srijayanthi, Spl.G.P.,

ORDER

Heard Mr.K.Hariharan, learned counsel appearing for the petitioner and Mrs. A.Srijayanthi, learned Special Government Pleader, who accepts notice for the respondents.

2. Since the issue involved in this writ petition is covered by a decision of this Court reported in 2015 (2) CTC 626 (R.Ravi v. The Regional Transport Officer, Transport Department, Chennai - 600 078 (Chennai West)), the writ petition is taken up for final disposal at the admission stage itself.

3. The learned counsel appearing for the petitioner submitted that a Criminal Case has been registered against the petitioner in Crime No.205 of 2017 on the file of the Traffic Investigation Wing, Guindy, Chennai South, and when the Criminal Case is yet to attain the finality, the second respondent has no jurisdiction to retain the licence; in the case of 2015 (2) CTC 626 (referred to supra), this Court has held as follows:-

"Following the ratio laid down by the Division Bench of this Court reported in P.Sethuram v. The Licensing Authority, The Regional Transport Officer, Dindigul, 2009 (2) TN MAC 252 (DB) : 2010 WLR 100, the impugned order passed by the respondent is liable to be set aside and accordingly, the same is set aside. The respondent is directed to return the Driving Licence of the petitioner within a week from the date of 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 Motor Vehicles Act, arises later or if any of the Rules as prescribed by the Central Government, in pursuance of the provisions of the Act, are violated."

4. The learned Special Government Pleader appearing for the respondents does not have material to state that the above said decision will not apply to the facts and circumstances of the case.

5. Thus, the writ petition is disposed of, by following the decision reported in 2015 (2) CTC 626 (referred to supra), with a direction to the second respondent to return the Driving Licence of the petitioner, within a period of one week from the date of receipt of a copy of this order. It is made clear that this order will not preclude the second respondent from initiating any action, if any of the contingencies specified in the Motor Vehicles Act, arises later, or if any of the Rules as prescribed by the Central Government, in pursuance of the provisions of the Act, are violated. No costs.

Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

srk

To

1. Inspector of Police,
Traffic Investigating Wing,
Guindy Police Station, Chennai
2. The Licensing Authority-cum-
The Regional Transport Officer,
Sholinganallur, Chennai 600 119.

+ 1 cc to Mr. K.Hariharan, Advocate SR.59402

W.P.No.22029 of 2017

VGI (CO)

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EU 22.08.17