

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.12.2017

CORAM

THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU

Writ Petition No.32750 of 2017

R.Jeyaraman
S/o.Ramasamy

.. Petitioner

versus

1.The Regional Transport Officer
(Licensing Authority)
Chennai North - West
Regional Transport Office
Chennai-600 102.

2.The Regional Transport Officer
(Licensing Authority)
Chennai North - West
Regional Transport Office
Thanneer Panthal
Perambalur - Post
Perambalur - Dt.

3.The Deputy Transport Commissioner
Mannarpuram
Tiruchirapalli - 620 020.

4.The General Manager
Tamil Nadu State Transport Corporation Ltd.,
Regional Office, Periyamilagu Parai
Trichy - 620 001.

.. Respondents

Writ petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus, directing the 2nd respondent to return the Driving License of the petitioner immediately without any endorsement.

For Petitioner: Mr.A.Rajendiran

For Respondents: Mr.P.V.Selvakumar

Additional Government Pleader
for R1 to R3

Mr.P.Kannan Kumar for R4

O R D E R

Mr.P.V.Selvakumar, learned Additional Government Pleader, takes notice for the respondents 1 to 3. Mr.P.Kannan Kumar, learned counsel takes notice for the fourth respondent. By consent of the parties, the main writ petition is taken up for final disposal at the admission stage itself.

2. The petitioner seeks for a Mandamus, directing the second respondent to return the petitioner's driving license bearing No.TN 46 19810000478.

3. Heard both sides.

4. The petitioner is a driver in the Tamil Nadu State Transport Corporation Ltd., It is stated that the petitioner's driving licence was seized, in pursuant to an accident taken place on 07.07.2017 and followed by the registration of FIR in Crime No.74 of 2017 under Sections 279, 304(A) and 337 of IPC. It is also stated that the respondent Corporation has initiated disciplinary action against the petitioner vide his proceedings dated 20.07.2017 and has kept the petitioner under suspension pending enquiry from 07.07.2017. Now the petitioner seeks for return of the driving licence by contending that the second respondent is not entitled to seize and retain the driving licence, simply because a criminal case is filed against the petitioner and the same is pending.

5. The learned counsel appearing for the petitioner invited the attention of this Court to the Division Bench decision of this Court 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), wherein, this Court has considered a similar issue and found that even the suspension of the license on the ground that a criminal case is pending, is erroneous. I myself followed the above decisions in similar cases, wherein licence was suspended. Hence, I do not think that the second respondent is justified in retaining the driving license of the petitioner.

6. 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 respondents 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.

s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

mk

To

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+1 CC to Mr.A.Rajendiran, Advocate sr 89906.

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W.P.No.32750 of 2017

SP(19/12/2017)