

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 19.12.2017
CORAM
THE HONOURABLE MR.JUSTICE K. RAVICHANDRABAABU
W.P.No.32958 of 2017

M.Vadivelan
Driver DR-7730
S/o.Munusami

... Petitioner

versus

1. The Licensing Authority
The Regional Transport Officer
The Regional Transport Office
Mathigiri (P.O.) Hosur, Krishnagiri District.

2. The Inspector of Police
Traffic Investigation Wing,
Hudco Police Station
Hosur, Krishnagiri District.

...Respondents

Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 and 2 to return the driving license of the petitioner forthwith to the petitioner.

For Petitioner : Mr.R.Y.George Williams

For Respondents: Mr.P.V.Selvakumar

Additional Government Pleader

O R D E R

Mr.P.V.Selvakumar, learned Additional Government Pleader, takes notice for the respondents. 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 respondents to return the petitioner's driving license.

3. Heard both sides.

4. The petitioner is a driver in the Transport Corporation, Hosur Town Branch. It is stated that the petitioner's driving licence was seized, in pursuant to an accident taken place on 23.09.2017 and followed by the registration of FIR in Crime No.458 of 2017 under Sections 279 & 304(A) of IPC. Now the petitioner seeks for return of the driving licence by contending that the first 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 first respondent is justified in retaining the driving license of the petitioner.

6. Accordingly, the writ petition is allowed and the first 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 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.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

To

1. The Licensing Authority
The Regional Transport Officer
The Regional Transport Office
Mathigiri (P.O.) Housur, Krishnagiri District.

2. The Inspector of Police
Traffic Investigation Wing,
Hudco Police Station
Hosur, Krishnagiri District.

+1cc to Government Pleader Sr.No.91492/17

+1cc to Mr.R.Y.George Williams, Advocate SR.No.90480/17

sm:11.1.2018

W.P.No.32958 of 2017