

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.12.2017

CORAM

THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU

Writ Petition No.33583 of 2017

K.Velu

S/o.Thiru.V.Kasi

.. Petitioner

versus

1. The Transport Commissioner
Chepauk
Chennai-600 005.
2. The Assistant Licence Issuing Authority
O/o. Regional Transport Office
Arni, Thiruvannamalai District.
3. The Regional Transport Officer
Regional Transport Office
Gingee, Villupuram District.
4. The Regional Transport Officer
Regional Transport Office
Thindivanam, Villupuram District.
5. The Inspector of Police
Gingee Police Station
Villupuram District.
6. The Branch Manager
Tamil Nadu State Transport Corporation
Arni Depot, Thiruvannamalai Division
Thiruvannamalai District.

.. Respondents

Writ petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus, directing the respondents 1 to 5 to return the petitioner's driving license in D.L.No.TN 25 Z19980002116 enable him to join and continue his service in the 6th respondent Transport Corporation.

For Petitioner : Mr.A.Rajesh Kanna

For Respondents : Mr.P.Senthilvel
Government Advocate
for R1 to R5

O R D E R

Mr.P.Senthilvel, learned Government Advocate takes notice for the respondents 1 to 5. 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 1 to 5 to return the petitioner's driving license bearing No. TN 25 Z19980002116.

3. The petitioner is a driver in the Tamil Nadu State Transport Corporation. It is stated that the petitioner's driving licence was seized on 27.11.2017, in pursuant to an accident taken place on 24.11.2017 and followed by the registration of FIR in Crime No.891 of 2017 under Sections 279 & 304(A) of IPC. It is further stated that the license of the petitioner is not suspended so far and no show cause notice 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 respondents 1 to 5 submitted that the license of the petitioner was seized since an accident had taken place on 24.11.2017, 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 24.11.2017 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 was 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 respondents to proceed against the petitioner in accordance with law.

7. Accordingly, the writ petition is allowed and the respondents 1 to 5 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.

Sd/-
Assistant Registrar

//True copy//

Sub Assistant Registrar

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To

1. The Transport Commissioner
Chepauk, Chennai-600 005.
2. The Assistant Licence Issuing Authority
O/o. Regional Transport Office
Arni, Thiruvannamalai District.
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Gingee Police Station
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6. The Branch Manager
Tamil Nadu State Transport Corporation
Arni Depot, Thiruvannamalai Division
Thiruvannamalai District.

+1cc to Mr.A.Rajesh Kanna, Advocate SR.No.92244
+1cc to Government Pleader SR.No.92489

W.P.No.33583 of 2017

GN(27/12/2017)