



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.10.2017

CORAM

THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU

Writ Petition No.25670 of 2017

Karupaiyan

.. Petitioner

Vs.

1. The Regional Transport Officer,
Ariyalur,
Ariyalur District.

2. The Inspector of Police,
Vikaramangalam Police Station,
Ariyalur District

.. Respondents

PRAYER: Writ petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus to direct the 1st respondent to return the driving license of the petitioner bearing registration No.TN 4620050003161 to the petitioner pursuant to representation dated 08.09.2017

For Petitioner: Mr.T.Muruganantham

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 to direct the respondents to return his driving license bearing registration No.TN 4620050003161.

3. The petitioner is a driver by profession and he is possessing heavy vehicle driving license bearing No.TN 4620050003161. It is stated that the petitioner's driving licence was seized in pursuant to an accident that had taken place on 25.05.2017 followed by the registration of FIR in Crime No.279 of 2017 under Section 304(A) IPC. It is further stated that the license of the petitioner is not suspended so far and



the 1st respondent has issued a show cause notice dated 31.05.2017 regarding cancellation of his licence. 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 Tambaram, Chennai & 2 others).

4. Learned counsel appearing for the respondents submitted that the license of the petitioner was seized since an accident had taken place on 25.05.2017 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 25.05.2017 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 respondent to proceed against the petitioner in accordance with law.

7. 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 1st respondent 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/-
Asst.Registrar (CS III)

/true copy/

Sub Asst. Registrar

vsi



To

1. The Regional Transport Officer,
Ariyalur,
Ariyalur District.

2. The Inspector of Police,
Vikaramangalam Police Station,
Ariyalur District

W.P.No.25670 of 2017

MR (CO)
NR 03/10/2017