

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.10.2017

CORAM

THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU

Writ Petition No.25693 of 2017

Chandramohan

.. Petitioner

Vs.

The Regional Transport Officer,
Tirupur South,
Tirupur.

.. Respondent

PRAYER: Writ petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus to direct the respondent to return the petitioner's driving license No.TN 25 Z 19940000725.

For Petitioner: Mr.B.Manoharan

For Respondents: Mr.P.V.Selvakumar
Additonal Government Pleader

O R D E R

Mr.P.V.Selvakumar, learned Additional Government Pleader, takes notice for the 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 to direct the respondent to return the petitioner's driving license No.TN 25 Z 19940000725.

3. The petitioner is a lorry driver by profession, driving tanker lorry and he is the breadwinner of his family. It is stated that the petitioner's driving licence was seized in pursuant to an accident that had taken place on 17.07.2017 followed by the registration of FIR in Crime No.616 of 2017 under Sections 279 and 304(A) IPC. It is further stated that the license of the petitioner is not suspended so far and the respondent has issued with a notice for enquiry 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 Thambaram, Chennai & 2 others).

4. Learned counsel appearing for the respondent submitted that the license of the petitioner was seized since an accident had taken place on 17.07.2017 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 17.07.2017 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 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 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

The Regional Transport Officer,
Tirupur South,
Tirupur.

+ 1 cc to Mr.B.Manoharan, Advocate, SR.70972

W.P.No.25693 of 2017

MR (CO)
NR 03/10/2017



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