

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.10.2017

CORAM

THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU

Writ Petition No.26209 of 2017

V.Parthiban

.. Petitioner

Vs.

1.The Inspector of Police
Traffic Investigating Wing
R-4, Pondy Bazaar Police Station
T.Nagar, Chennai-17.

2.The Licensing Authority-cum-Regional
Transport Officer
Chennai South West
Virugambakkam, Chennai-92.

.. Respondents

PRAYER:

Writ petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus, directing the 2nd respondent herein to return the original driving license No.TN32 20050004150 to the petitioner forthwith.

For Petitioner: Mr.K.Hariharan

For Respondents: Mr.A.Kumar

Special Government Pleader

O R D E R

Mr.A.Kumar, learned Special Government Pleader, takes notice for the respondents.

2. The petitioner seeks for a Mandamus, directing the respondents to return the petitioner's driving license bearing No. TN32 20050004150.

3. Heard both sides.

4. The petitioner is a driver in the Metropolitan Transport Corporation. It is stated that the petitioner's driving licence was seized on 23.08.2017, in pursuant to an accident taken place on 11.08.2017 and followed by the registration of FIR in Crime No.220 of 2017 under Sections 279, 337, 338, 304(A), 134(a) and

134(b) of IPC. It is further stated that the license of the petitioner is not suspended so far. 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).

5. Learned counsel appearing for the respondents submitted that the license of the petitioner was seized since an accident had taken place on 11.08.2017 while the petitioner was driving the vehicle.

6. It is seen that the petitioner's driving license was seized pursuant to the accident that had taken place on 11.08.2017 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 second 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(CO)

//True Copy//

Sub Assistant Registrar

mk

To

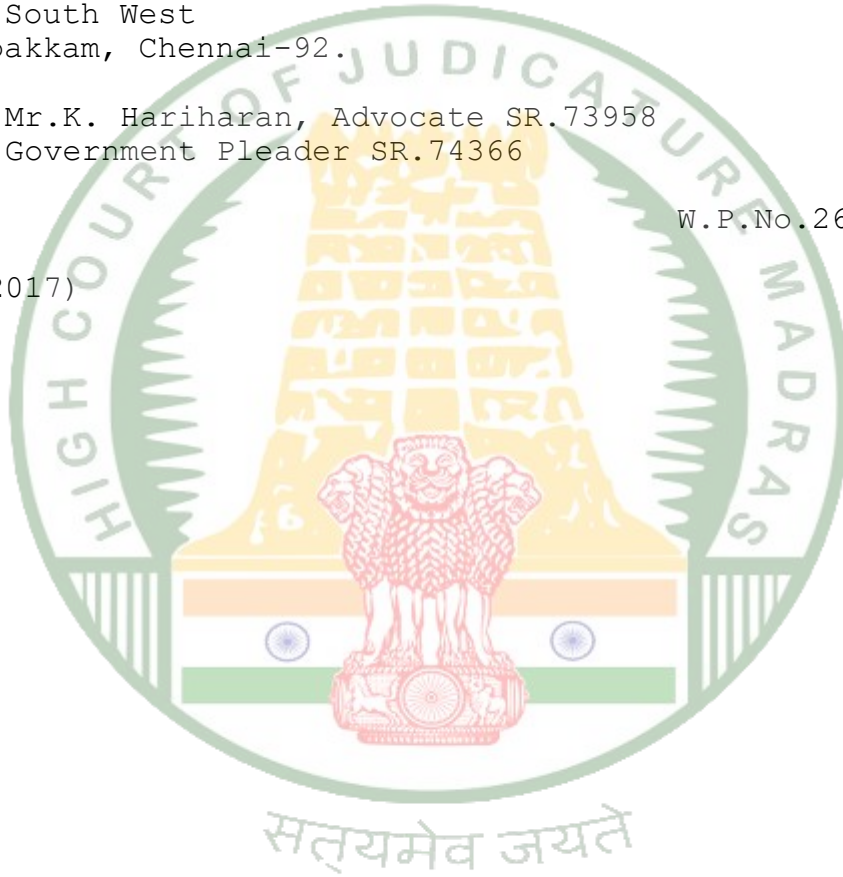
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+ 1 cc to Mr.K. Hariharan, Advocate SR.73958
+ 1 cc to Government Pleader SR.74366

W.P.No.26209 of 2017

Rsy(CO)
EU(01/11/2017)



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