

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.11.2017

CORAM

THE HONOURABLE MR.JUSTICE RAVICHANDRABAABU

W.P.No.26480 of 2017

T.Devakirubakaran

..Petitioner

vs.

1. Inspector of Police,
Moolanur Police station,
Moolanur, Tirupur District.

2. The Regional Transport Officer,
Dharapuram, Tirupur District.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus to direct the 2nd respondent herein to return the petitioner's Driving Licence bearing DL.No.TN-39-19880001871 forthwith.

For Petitioner : Mr.A.Ganesan

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

ORDER

Mr.P.V.Selvakumar, learned Additional Government Pleader, takes notice for the respondents and by consent of the parties, the main writ

petition itself is taken up for final disposal.

2. The petitioner seeks for a mandamus to direct the 2nd respondent to return the original Driving License of the petitioner in DL.No.TN-39-19880001871 forthwith.

3. It is seen that the petitioner is a driver employed in the Tamil Nadu state Transport Dharapuram Branch, and his driving license was seized in pursuant to an accident that took place on 18.10.2017 followed by registration of a criminal case in Crime No.294/2017. The license of the petitioner is not suspended so far. 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 submitted that the license of the petitioner was seized since an accident had taken place on 18.10.2017 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 18.10.2017 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 were 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 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 second 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.

WEB COPY

17.11.2017

Speaking/Non speaking order

Index : Yes / No

Internet:Yes/Novsi

Note: Issue order copy on or before 20.11.2017

K.RAVICHANDRABAABU.J

vsi

To

1. Inspector of Police,
Moolanur Police station,
Moolanur, Tirupur District.
2. The Regional Transport Officer,
Dharapuram, Tirupur District.



W.P.No.29480 of 2017

17.11.2017

WEB COPY