

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.06.2017

CORAM

THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU

Writ Petition No.16476 of 2017

R.Ramesh

... Petitioner

Vs.

1. The Regional Transport Officer,  
Kovai Pudure,  
Coimbatore District.
  2. The Inspector of Police,  
Karunya Nagar Police Station,  
Aladurai Circle, Coimbatore District.
  3. The General Manager,  
The Tamil Nadu State Transport Corporation,  
Kovai Kottam,  
No.37, Mettupalayam Road,  
Coimbatore District.
- ... Respondents

Prayer:

Writ petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Mandamus, directing the first and second respondents to return the Driving license of the petitioner forthwith to the petitioner as enable to join the duty before the third respondent.

For Petitioner : Ms.A.Smrithi  
for M/s.R.Y.George Williams

For Respondents : Mr.C.Jagdish  
Special Government Pleader, For  
R1 & R2

Mr.P.Kannan Kumar  
Standing Counsel, For R3

## O R D E R

Mr.C.Jagdish, learned Special Government Pleader, takes notice for the respondents 1 & 2 and Mr.P.Kannan Kumar, learned standing counsel takes notice for the third 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, directing the respondents 1 & 2 to return the petitioner's driving license.

3. Heard both sides.

4. The petitioner is a driver in the Tamil Nadu State Transport Corporation, Kovai Kottam. It is stated that the petitioner's driving licence was seized on 07.05.2017, in pursuant to an accident taken place and followed by the registration of FIR in Crime No.16 of 2017 under Sections 279, 338 and 304(A) of IPC. Now the petitioner seeks for return of the driving licence by contending that the respondents 1 & 2 are not entitled to seize and retain the driving licence, simply because a criminal case is filed against the petitioner and the same is pending. It is also stated that till date, no show cause notice is issued to the petitioner. It is also stated that the respondents 1 & 2 have not passed any order, suspending the petitioner's license also.

5. The learned counsel appearing for the petitioner invited the attention of this Court to the Division Bench decision of this Court 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), wherein, this Court has considered a similar issue and found that even the suspension of the license on the ground that a criminal case is pending, is erroneous. I myself followed the above decisions in similar cases, wherein license was suspended. In this case, as it is stated that the petitioner's driving license is not suspended and only the show cause notice was issued so far, I do not think that the respondents 1 & 2 are justified in retaining the driving license of the petitioner.

6. Accordingly, this writ petition is allowed and the respondents 1 & 2 are directed to return the driving license to the petitioner within a period of seven days from the date of receipt of a copy of this order. It is needless to say, that it

is open for the respondents 1 & 2 to proceed against the petitioner in accordance with law, by giving due opportunity of hearing to him and pass orders thereafter. No costs.

Sd/-  
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

mk/ms

To

1. The Regional Transport Officer,  
Kovai Pudure, Coimbatore District.
2. The Inspector of Police,  
Karunya Nagar Police Station,  
Aladurai Circle, Coimbatore District.
3. The General Manager,  
The Tamil Nadu State Transport Corporation,  
Kovai Kottam, No.37, Mettupalayam Road,  
Coimbatore District.

+1cc to M/s.R.Y.George williams, Advocate, S.R.No.45480

+1cc to the Government Pleader, S.R.No.45909

+1cc to M/s.P.Kannankumar, Advocate, S.R.No.45845

WEB COPY

W.P.No.16476 of 2017

SKV(CO)  
CU(10/07/2017)