

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.10.2017

CORAM

THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU

Writ Petition No.26609 of 2017
and W.M.P.No.28321 of 2017

K.Mathiyalagan

.. Petitioner

Vs.

The Regional Transport Authority/
Licensing Authority,
Office of the Regional transport Authority,
Ariyalur,
Ariyalur District.

.. 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 forthwith the petitioner original driving license, without any endorsement and within a specified time as may be fixed by this Court.

For Petitioner : Mr.R.Krishnaswamy
For Respondents : Mr.Manishankar,
Additional Advocate General
assisted by
Mr.A.Kumar,
Special Government Pleader.

O R D E R

Mr.A.Kumar, learned Special 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 forthwith the petitioner original driving license.

3. The petitioner is working as a senior driver in the Tamilnadu State Transport Corporation (Kumbokanam) Ltd., Trichy Region. It is stated that the petitioner's driving licence was seized in pursuant to an accident that had taken place on 14.09.2017 followed by the registration of FIR on 15.09.2017 in

Crime No.254 of 2017 under Section 304(A) IPC. It is stated that the license of the petitioner is not suspended so far. It is further stated that till date, no show cause notice is issued to the petitioner. 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 respondent submitted that the license of the petitioner was seized since an accident had taken place on 14.09.2017 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 14.09.2017 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 IV)

/true copy/

Sub Asst. Registrar

vsi

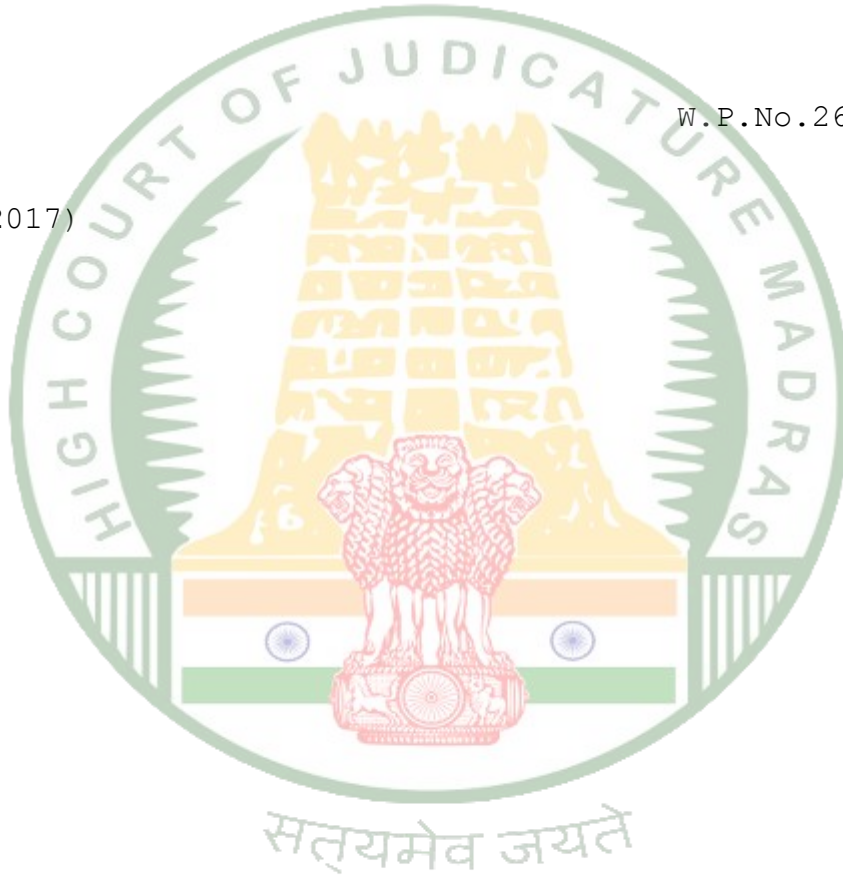
To

The Regional Transport Authority/
Licensing Authority,
Office of the Regional transport Authority,
Ariyalur,
Ariyalur District.

+lcc to Mr.V.Ajoy Khose, Advocate Sr. 73481

W.P.No.26609 of 2017

AR (IV)
VR (13/10/2017)



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