

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.10.2017

CORAM

THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU

Writ Petition No.26705 of 2017

S.Purushothaman

.. Petitioner

Vs.

The Regional Transport Officer
Chengalpet,
Kancheepuram 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 the petitioner's original driving licence bearing No.TN 21 20090002849, within time stipulated by this Hon'ble Court.

For Petitioner : Mr.R.Subburaj
For Respondent : 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, directing the respondent to return the petitioner's driving license bearing No. TN 21 20090002849.

3. Heard both sides.

4. The petitioner is a driver in the Tamil Nadu State Transport Corporation. It is stated that the petitioner's driving licence was seized on 05.07.2017, in pursuant to an accident taken place on 30.06.2017 and followed by the registration of FIR in Crime No.688 of 2017. Now the petitioner seeks for return of the driving licence by contending that the respondent is 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 the petitioner was placed under suspension and subsequently, on

29.07.2017 the management cancelled the suspension order and directed him to attend the training.

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 licence was suspended. Hence, I do not think that the respondent is justified in retaining the driving license of the petitioner.

6. Accordingly this writ petition is allowed and the respondent is 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 respondent to initiate appropriate proceedings in accordance with law, by giving due notice to the petitioner and hearing the matter thereafter. No costs.

Sd/-
Assistant Registrar (CCC)

/TRUE COPY/

Sub Assistant Registrar

mk

To

The Regional Transport Officer
Chengalpet,
Kancheepuram District.

+1 C.C. to M/S.R.Subburaj Advocate SR.NO. 73865
+1 C.C. to The Government Pleader SR.NO. 74184

W.P.No.26705 of 2017

RK (CO)
T.R (01/11/2017)