

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.02.2018

CORAM

THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU

Writ Petition No.2757 of 2018

D.Suresh
S/o.Duraisamy

.. Petitioner

Vs.

The Regional Transport Officer
Regional Transport Office
Tirupur South, Tirupur.

.. Respondents

Writ petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus, directing the respondent to return the petitioner's original driving licence bearing D.L.TN57Z20100002416 to the petitioner forthwith.

For Petitioner : Mr.C.Prakasam

For Respondents : Mr.D.Suriyanarayanan
Additional Government Pleader

ORDER

Mr.D.Suriyanarayanan, learned Additional 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 his driving license bearing D.L.TN57Z20100002416.

3. Heard both sides.

4. The petitioner is a driver in a private concern namely SCP Transport, Coimbatore. It is stated that the petitioner's driving licence was seized, in pursuant to an accident taken place on 06.01.2018 and followed by the registration of FIR in Crime No.15 of 2018 under Sections 279, 337 IPC @ Sections 279 and 304(A) of IPC. 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.

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, 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/-
Deputy Registrar

//True Copy//

Sub Assistant Registrar

mk

To

The Regional Transport Officer
Regional Transport Office
Tirupur South, Tirupur.

+1cc to Mr.C.Prakasam, Advocate, S.R.No.10230

+1cc to the Government Pleader, S.R.No.10316

W.P.No.2757 of 2018

RRK(23/02/2018)