

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.03.2018

CORAM

THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU

Writ Petition No.6136 of 2018

P.Sivakumar

.... Petitioner

Vs.

1. Regional Transport Officer,
Regional Transport Office,
Chengalpattu,
Kancheepuram District.

2. The Inspector of Police,
Transport Investigation Wing,
Guindy,
Chennai District.

...Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus to direct the 2nd respondent to return the petitioner's driving license in DL.No.TN.19/DLR/0005656/2017 by considering the petitioner's representation dated 07.03.2018.

For Petitioner : Mr.S.Kumaresan

For Respondents : Mr.B.Anandan,
Government Advocate

O R D E R

Mr.B.Anandan, learned Government Advocate takes notice for the respondents. 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 second respondent to return the petitioner's driving license bearing DL.No.TN.19/DLR/0005656/2017.

3. Heard both sides.

4. The petitioner is a driver by profession holding Driving license in DL.No.TN.19/DLR/0005656/2017 in the Metro Transport Corporaiton (Chennai) Ltd. It is stated that the petitioner's

driving licence was seized, in pursuant to an accident taken place on 14.12.2017 and followed by the registration of FIR in Crime No.792 of 2017 under Sections 279, 337 @ 279, 134(a) & 134 (b) of IPC. Now, the petitioner seeks for return of the driving licence by contending that the second 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 second respondent is justified in retaining the driving license of the petitioner.

6. The learned counsel for the petitioner has given an undertaking before this Court that the petitioner is ready and willing to discharge his duties immediately, on receipt of the driving licence.

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 respondents 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/-
Assistant Registrar(co)

//True Copy//

Sub Assistant Registrar

To

1. The Regional Transport Officer,
Regional Transport Office,
Chengalpattu,
Kancheepuram District.
2. The Inspector of Police,
Transport Investigation Wing,
Guindy,
Chennai District.

+1cc to M/s.S.Kumaresan, Advocate Sr.No.20379

+1cc to Government Pleader Sr.no.21406

NRI (CO)
sm:2.4.2018

W.P.No.6136 of 2018



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