

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.03.2018

CORAM

THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU

Writ Petition No.5313 of 2018

P.Anandan

.. Petitioner

Vs.

State Rep. by

1. The Regional Transport Officer  
The Regional Transport Office  
Kanchipuram District.

2. The Inspector of Police  
B-3 Kanchi Taluk Police Station  
Kanchipuram District.

3. The Branch Manager  
The Tamil Nadu State Transport Corporation  
Krishnagiri Branch,  
Krishnagiri District.

.. Respondents

Writ petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus, directing the 1st and 2nd respondent to return the petitioner's driving license by considering his representation dated 10.02.2018 within the time frame.

For Petitioner: Mr.K.Gandhi Kumar

For Respondents: Mr.B.Anandan

Government Advocate

ORDER

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 to direct the respondents 1 and 2 to return the petitioner's driving license No.TN29 Z 20010001575.

3. The petitioner is a driver in the Tamil Nadu State Transport Corporation. It is stated that the petitioner's driving licence was seized in pursuant to an accident that had taken place on 04.02.2018 followed by the registration of FIR in

Crime No.85 of 2018 under Sections 279 and 304(A) IPC. It is further stated that the license of the petitioner is not suspended so far and no proceedings in any form was issued to the petitioner till this date. 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 respondents 1 and 2 submitted that the license of the petitioner was seized since an accident had taken place on 04.02.2018 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 04.02.2018 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 respondents to proceed against the petitioner in accordance with law.

7. Accordingly, the writ petition is allowed and the respondents 1 and 2 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/-  
Asst.Registrar (CS VII )

/true copy/

Sub Asst. Registrar

To

1. The Regional Transport Officer  
The Regional Transport Office  
Kanchipuram District.

2. The Inspector of Police  
B-3 Kanchi Taluk Police Station  
Kanchipuram District.

+ 1 cc to Mr.K.Gandhi Kumar Advocate, SR.17920

+ 1 cc to The Govt.Pleader, SR.18482

W.P.No.5313 of 2018

nr 19/03/2018



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