

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:09.01.2018

CORAM

THE HONOURABLE MR.JUSTICE RAVICHANDRABAABU

W.P.No.441 of 2018

E.Arujunan

... Petitioner

vs.

- 1.The Regional Transport Officer,
Chengalpet,
Kancheepuram District.
2. The Inspector of Police,
Thirukalukundram Police Station,
Kancheepuram District.
3. The Depot Manager,
Tamil Nadu State Transport Corporation
Madurantakam Depot,
Kancheepuram Division,
Kancheepuram District.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the 1st respondent to return the petitioner's original driving license bearing No.TN21X19970001579 which was seized by the 2nd respondent and consequently handed over to the 1st respondent, by considering the petitioner's representation dated 12.12.2017.

For Petitioner : Mr.R.Panneerselvam

For Respondents : Mr.M.Jothikumar,
Additional Government Pleader

O R D E R

Mr.M.Jothikumar, learned Additional Government Pleader takes notice for the respondents and by consent of the parties, the main writ petition itself is taken up for final disposal.

2. The petitioner seeks for a mandamus directing the 1st

respondent to return the petitioner's original driving license bearing No.TN21X19970001579 which was seized by the 2nd respondent and handed over to the 1st respondent, by considering the petitioner's representation dated 12.12.2017.

3. It is seen that the petitioner is a driver employed in the Tamil Nadu State Transport Corporation, Madurantakam Depot and his driving license was seized in pursuant to the accident that took place on 23.11.12.2017 followed by registration of a criminal case in Crime No.618/2017. 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 submitted that the license of the petitioner was seized since an accident had taken place on 23.11.2017 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 23.11.2017 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 were 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 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 first 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/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

vsi

To

- 1.The Regional Transport Officer,
Chengalpet,
Kancheepuram District.
2. The Inspector of Police,
Thirukalukundram Police Station,
Kancheepuram District.
3. The Depot Manager,
Tamil Nadu State Transport Corporation
Madurantakam Depot,
Kancheepuram Division,
Kancheepuram District.

+1cc to Mr.R.Pannerselvam, Advocate, S.R.No.1707

+1cc to the Government Pleader, S.R.No.1874

RRK(11/01/2018)

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