

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.01.2018

CORAM

THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU

Writ Petition No.741 of 2018

Marimuthu N (Staff No.C26677)
S/o.Natarajan

.. Petitioner

Vs.

1.Sub Inspector of Police
Negamam Police Station
Pollachi - Taluk.

2.The Regional Transport Officer
(Licensing Authority)
Regional Transport Office
Pollachi - Tk
Pollachi, Coimbatore Dt.

3.The General Manager
Tamil Nadu State Transport Corporation Ltd.,
Regional Office, Coimbatore
37, Mettupalayam Road,
Coimbatore - 641 043.

4.Deputy Transport Commissioner
Dr.Balasundaram Road,
Coimbatore - 641 001.

.. Respondents

Writ petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus, directing the 2nd respondent to return the original driving licence No.TN-4120040000085 of the petitioner immediately without any endorsement.

For Petitioner : Mr.A.Rajendiran

For Respondents : Mr.D.Suriya Narayanan
Additional Government Pleader
for R1 & R2

Mr.P.Kannan Kumar for R3

O R D E R

Mr.D.Suriya Narayanan, learned Additional Government Pleader takes notice for the respondents 1 and 2. Mr.P.Kannan Kumar, learned counsel takes notice for R3. 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 No. TN-4120040000085.

3. Heard both sides.

4. The petitioner is a driver in the Tamil Nadu State Transport Corporation Ltd., Coimbatore District. It is stated that the petitioner's driving licence was seized, in pursuant to an accident taken place on 13.11.2017 and followed by the registration of FIR in Crime No.394 of 2017 under Sections 279 & 337 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(CCC)

//True Copy//

Sub Assistant Registrar

mk

To

- 1.The Sub Inspector of Police
Negamam Police Station
Pollachi - Taluk.
- 2.The Regional Transport Officer
(Licensing Authority)
Regional Transport Office
Pollachi - Tk
Pollachi, Coimbatore Dt.
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+1cc to Mr.A.RAjendiran, Advocate, S.R.No.2245

RRK(11/01/2018)

W.P.No.741 of 2018

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