

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.02.2018

CORAM

THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU

Writ Petition No.3508 of 2018

M.Sekar

Son of Mr.Mannar

.. Petitioner

Vs.

1. The Regional Transport Officer (RTO)
Licensing Authority
Regional Transport Office
Chennai-South, Meenambakkam,
1st Floor, Municipal Commercial Building Complex,
New Street, Alandur,
Chennai-600 016.

2. The Inspector of Police
Traffic Investigation Wings,
Mount Traffic Investigation,
St.Thomas Mount, Alandur
Chennai-600 016.

.. Respondents

Writ petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus, directing the 1st respondent to return Driving License No.TN 18 1989 0001 100, issued on 13.06.1989 Transport Vehicle valid upto 21.08.2010 of the petitioner, which was seized in connection with Cr.No.5/M3/2018 on the file of Mount Traffic Investigation Wing, St.Thomas Mount, Chennai-600 016, the 2nd respondent, Investigation Officer, who shall, in turn issue an acknowledgment to the petitioner and then produce the same before the jurisdictional Magistrate and the learned Magistrate, in turn, shall exercise his / her power under Section 206 of the Motor Vehicles Act, 1988 and return the Driving License to the petitioner.

For Petitioner : Mr.R.Ravindran

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 first respondent to return his original driving license bearing No. TN18 1989 0001100.

3. Heard both sides.

4. The petitioner is a driver in the Metro Transport Corporation, Chennai. It is stated that the petitioner's driving licence was seized, in pursuant to an accident taken place on 02.01.2018 and followed by the registration of FIR in Crime No.5 of 2018 under Sections 279 and 304(A) of IPC. Now the petitioner seeks for return of the driving licence by contending that the first 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 first respondent is justified in retaining the driving license of the petitioner.

6. Accordingly, the writ petition is allowed and the first 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 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 (CS IV)

//True copy//

Sub Assistant Registrar

mk

To

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2. The Inspector of Police
Traffic Investigation Wings,
Mount Traffic Investigation,
St.Thomas Mount, Alandur
Chennai-600 016.

+1cc to Mr.R.Ravindran, Advocate SR.No.12126
+1cc to Government Pleader SR.No.12517

W.P.No.3508 of 2018

SVI (CO)
GN(01/03/2018)



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