

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.02.2018

CORAM

THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU

Writ Petition No.3958 of 2018

S.Sankar
S/o.Sadasivam

.. Petitioner

Vs.

The Motor Vehicle Inspector (Grade I)
Regional Transport Office
Chengalpet,
Kancheepuram District.

.. Respondent

Writ petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus, directing the respondent to return the original driving license in DL.No.TN-31Y19890000547 to the petitioner.

For Petitioner: Mr.D.Veerasekaran
For Respondent: Mr.B.Anandan
Government Advocate

O R D E R

Mr.B.Anandan, learned Government Advocate takes notice for the respondent. 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 respondent to return his original driving license bearing DL.No.TN-31Y19890000547.

3. It is seen that the petitioner is a driver employed in the Tamil Nadu State Transport Corporation Ltd., Villupuram and his driving license was seized in pursuant to an accident that took place on 27.12.2017, followed by registration of a criminal case in Crime No.208/2017 for the offence under Sections 279 & 304(A). 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 Thambaram, Chennai & 2 others).

4. Learned counsel appearing for the respondent submitted that the license of the petitioner was seized since an accident had taken place on 27.12.2017 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 27.12.2017 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 respondent to proceed against the petitioner in accordance with law.

7. Accordingly, this writ petition is allowed and the 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 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.

s/d-
सहायक न्यायते
Assistant Registrar (CS-V)

True Copy

Sub-Assistant Registrar

mk

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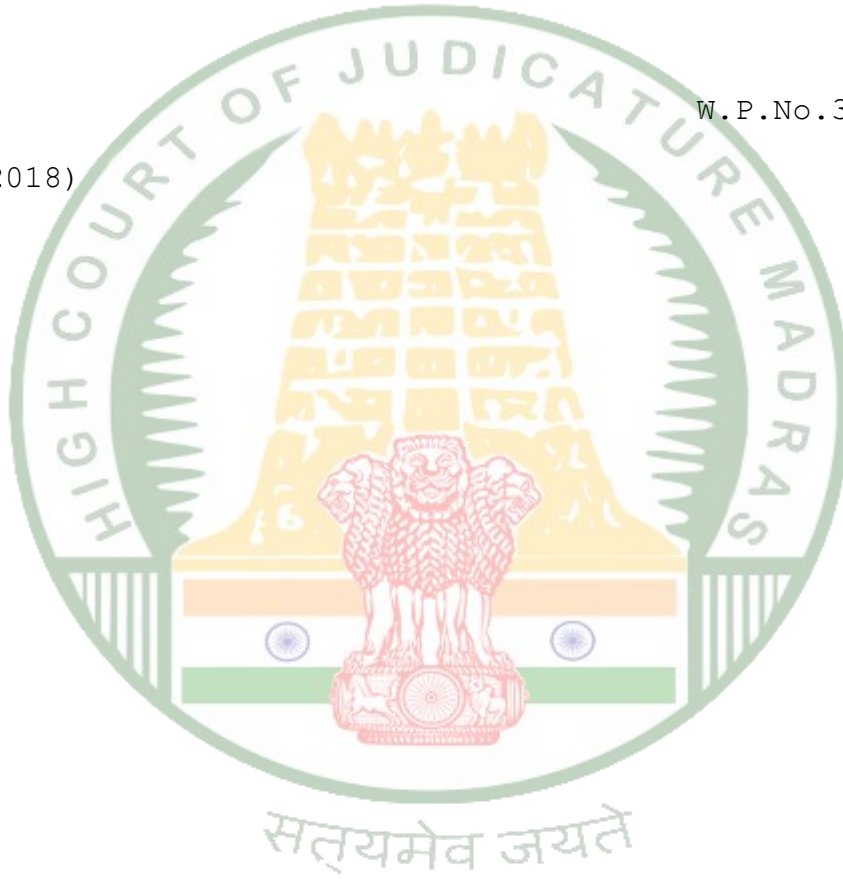
To

The Motor Vehicle Inspector (Grade I)
Regional Transport Office
Chengalpet,
Kancheepuram District.

+1 CC to Mr.D. Veerasekaran, Advocate sr 13556.
+1 CC to The Govt. Pleader sr 14078

W.P.No.3958 of 2018

SP(26/02/2018)



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