

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:12.01.2018

CORAM

THE HONOURABLE MR.JUSTICE RAVICHANDRABAABU

W.P.No.794 of 2018

M.Sundarraaj

... Petitioner

vs.

1. The State rep. by its
The Inspector of Police,
Traffic Investigation Wing,
St.Thomas Mount,
Chennai - 16.
 2. The Regional Transport Authority,
rep. by its Assistant Licensing Authority,
Theni District @ Theni (Town),
Theni 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 and 2nd respondents to return back the original driving licence of the petitioner bearing No.TN.60.19980001906 dated 24.08.1998 with public badge No. 9680 dated 24.8.98/TN.60 to the petitioner immediately.

For Petitioner : Mr.M.Muralivonodh
For Respondents : Mr.D.Suriayanarayanan
Additional Government Pleader

O R D E R

Mr.D.Suriyanarayanan, learned Additional Government Pleader takes notice for the respondents. By consent of the parties, the main writ petition is taken up for final disposal.

2. The petitioner seeks for a mandamus directing the 1st and 2nd respondents to return back his original driving licence bearing No.TN.60.19980001906 dated 24.08.1998.

3. Heard both sides.

4. The petitioner is a driver employed in the Metropolitan

Transport Corporation Ltd., Chennai. It is stated that the petitioner's driving licence was seized, in pursuant to an accident that had taken place on 20.09.2017 and followed by the registration of FIR in Crime No.421/M2/2017 under Sections 279 & 304-A of IPC. Now, the petitioner seeks for return of the driving licence by contending that the respondents are 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 respondents are 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(CS VII)

//True copy//

Sub Assistant Registrar

vsi

To

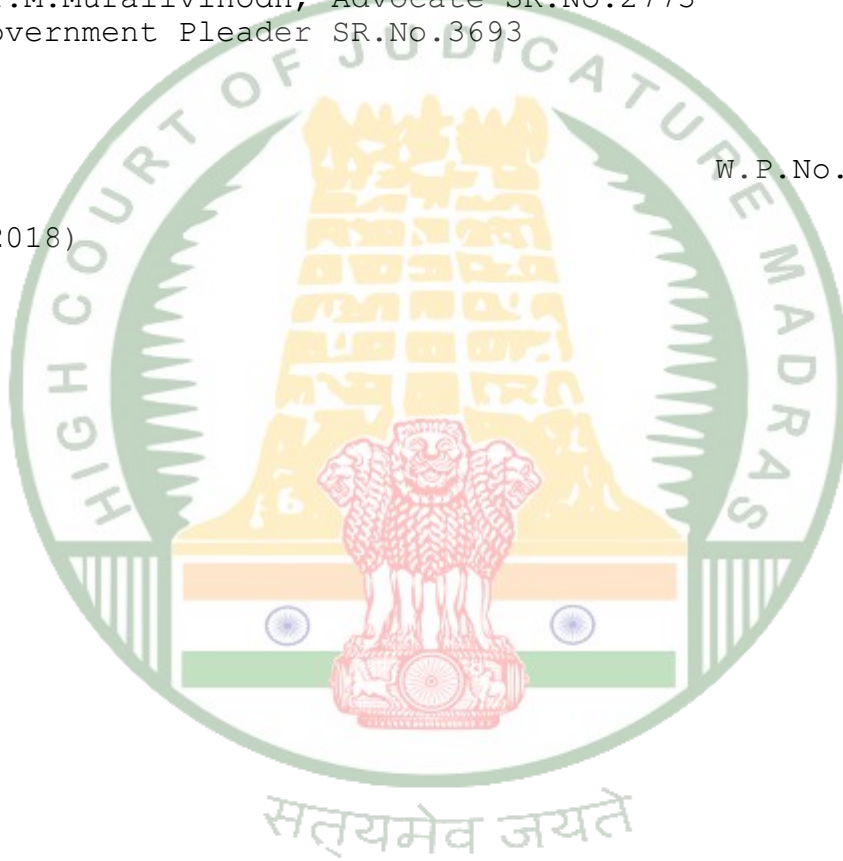
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Theni District.

+1cc to Mr.M.Muralivinoth, Advocate SR.No.2773

+1cc to Government Pleader SR.No.3693

W.P.No.794 of 2018

GN(25/01/2018)



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