

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:18.01.2018

CORAM

THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU

Writ Petition No.1122 of 2018

P.Arunkumar

... Petitioner

vs.

1. The State of Tamilnadu,
rep. By Transport Commissioner,
Chepauk,
Chennai - 600 005.
2. The Licensing Authority,
Regional Transport Officer,
Regional Transport Office,
Tiruppur South.
3. The Inspector of Police,
Tiruppur Rural,
Tiruppur District.
4. The Assistant License Issuing Authority,
Regional Transport Officer,
Tiruppur East,
Tiruppur District.
5. The General Manager,
Tamil Nadu State Transport Corporation,
Erode Region,
Erode District.

..Respondents

Writ petition filed under Article 226 of the constitution of India to issue a Writ of Mandamus to direct the 2nd respondent to return the petitioner's driving licence in D.L.No.TN.33 20090001904 enabling him to join and continue his service in the fifth respondent transport corporation

For Petitioner : Mr.J.stalin

For Respondents : Mr.D.Suriyanarayanan,
Additional Government Pleader for R1 to 4
Mr.S.Sairaman
Standing counsel for R5

O R D E R

Mr.D.Suriyanarayanan, learned Additional Government Pleader takes notice for the respondents 1 to 4. Mr.S.sairaman, learned standing counsel takes notice for the 5th respondent Corporation. 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 his driving licence in D.L.No.TN.33 20090001904 enabling him to join and continue his service in the fifth respondent Transport Corporation

3. Heard both sides.

4. The petitioner is a driver in the Tamil Nadu Transport Corporation at Erode Region. It is stated that the petitioner's driving licence was seized, in pursuant to an accident that had taken place on 14.12.2017 and followed by the registration of FIR in Crime No.984 of 2017 under Sections 279 & 304(A) 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 2nd 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 1st and 2nd 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.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

vsi

To

1. Transport Commissioner,
Chepauk,
Chennai - 600 005.
2. The Licensing Authority,
Regional Transport Officer,
Regional Transport Office,
Tiruppur South.
3. The Inspector of Police,
Tiruppur Rural,
Tiruppur District.
4. The Assistant License Issuing Authority,
Regional Transport Officer,
Tiruppur East,
Tiruppur District.

5. The General Manager,
Tamil Nadu State Transport Corporation,
Erode Region,
Erode District.

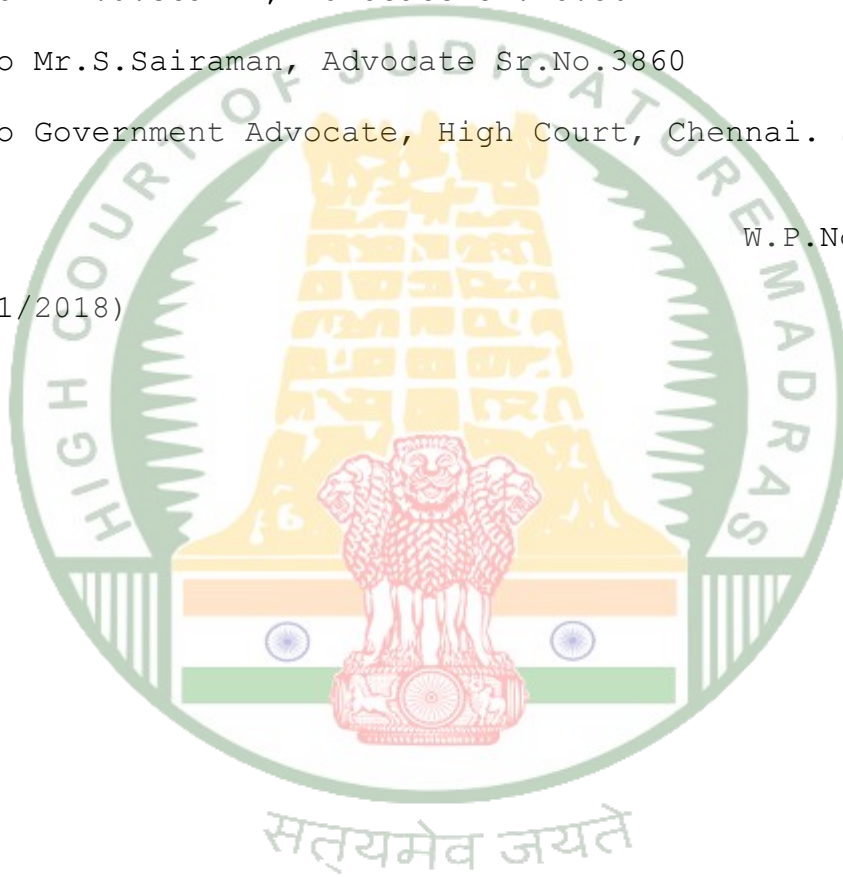
+1 CC to Mr.J.stalin, Advocate Sr.No.3612

+1 CC to Mr.S.Sairaman, Advocate Sr.No.3860

+1 CC to Government Advocate, High Court, Chennai. Sr.No.4105

W.P.No.1122 of 2018

KP(30/01/2018)



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