

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.05.2018

CORAM:

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

W.P.Nos.11675 to 11677 of 2018

M.Karthik .. Petitioner in W.P.No.11675 of 2018

K.A.Udhaya Kumar .. Petitioner in W.P.No.11676 of 2018

P.Ramamoorthy ... Petitioner in W.P.No.11677 of 2018

Vs.

1. Inspector of Police,
Traffic Investigating Wing,
Thudiyalur Police Station,
Coimbatore.
2. The Licensing Authority-cum-
Regional Transport Officer,
Coimbatore North, Thudiyalur,
Coimbatore. .. Respondents in W.P.No.11675 of 2018

1. Inspector of Police,
Traffic Investigating Wing,
Vishnukanchi Police Station,
Kancheepuram District.
2. The Licensing Authority-cum-
Regional Transport Officer,
Kancheepuram District... Respondents in W.P.No.11676 of 2018

1. Inspector of Police,
Traffic Investigating Wing,
Thudiyalur Police Station,
Coimbatore.
2. The Licensing Authority-cum-
Regional Transport Officer,
Coimbatore North, Thudiyalur,
Coimbatore. .. Respondents in W.P.No.11677 of 2018

Writ Petition No.11675 of 2018 filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus to direct the second respondent herein to return the original driving licence (DL.No.TN36Z20090001638) to the petitioner forthwith.

Writ Petition No.11676 of 2018 filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus to direct the second respondent herein to return the original driving licence (DL.No.TN0920020012795) to the petitioner forthwith.

Writ Petition No.11677 of 2018 filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus to direct the second respondent herein to return the original driving licence (DL.No.TN4819990002242) to the petitioner forthwith.

For Petitioners : Mr.K.Hariharan
For Respondents : Mr.R.Udhayakumar, Addl.G.P.

ORDER

The petitioners have come forward with the above Writ Petitions praying for issuance of Writs of Mandamus to direct the second respondent herein to return the original driving licence (DL.No.TN36Z20090001638) in W.P.No.11675 of 2018, original driving licence (DL.No.TN0920020012795) in W.P.No.11676 of 2018 and original driving licence (DL.No.TN4819990002242) to the petitioners respectively, forthwith.

2. According to the petitioners, they are Drivers working in the Tamil Nadu State Transport Corporation and while driving the buses, with Registration Nos.TN-38-N-2678, TN-21-N-1153 and TN-38-N-1258, met with accidents on 13.04.2018, 17.04.2018 and 17.04.2018 respectively, for which, criminal cases have been registered against them under Sections 279, 337 and 304-A IPC in W.P.No.11675 of 2018, under Sections 279 and 304-A IPC in W.P.No.11676 of 2018 and under Sections 279 and 304-A IPC in W.P.No.11677 of 2018 and now the cases are pending investigation. During the course of investigation, the first respondent seized the petitioners' driving licences and produced the same before the second respondent for taking action against the petitioners under the provisions of the Motor Vehicles Act. So far, no action has been taken. Without taking any action, the second respondent has with-held the driving licenses of the petitioners.

3. Learned counsel for the petitioners relied upon the order passed by this Court in W.P.No.6274 of 2018, dated 20.03.2018, wherein this Court, in similar circumstances, this Court allowed the said Writ Petition and directed the second respondent therein to return the driving licence of the petitioner therein immediately on receipt of a copy of the order, but however, this Court held that it shall not preclude the respondents from initiating any action, if any of the contingencies specified in Clauses (e) to (h) of Section 19(1) of the Motor Vehicles Act, arise 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.

4. Learned Additional Government Pleader appearing for the respondents submitted that under the provisions of the Motor Vehicles Act, the respondents are entitled to proceed against the petitioners and they will take necessary action against the petitioners.

5. Considering the facts and circumstances of the case and taking into account the above said order of this Court passed in W.P.No.6274 of 2018, and admittedly, so far, no proceedings have been initiated by the second respondent for cancelling or suspending the licences, the second respondent cannot withhold the licences of the petitioners, and following the said order of this Court, the second respondent is directed to return the driving licences of the petitioners immediately on receipt of a copy of this order, but however, it shall not preclude the respondents from initiating any action, if any of the contingencies specified in Clauses (e) to (h) of Section 19(1) of the Motor Vehicles Act, arise 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.

6. With the above observations and direction, the Writ Petitions are allowed. No costs.

Sd/-

Vacation officer(cs-viii)

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Sub Assistant Registrar

cs

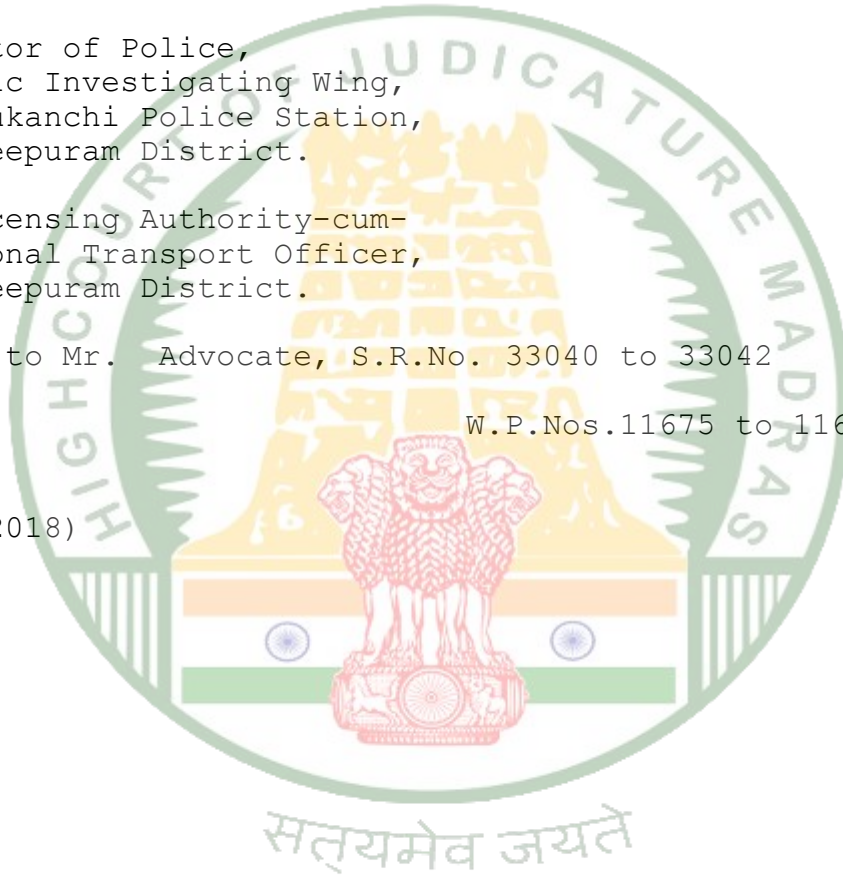
To

1. Inspector of Police,
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Coimbatore.
2. The Licensing Authority-cum-
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Coimbatore.
3. Inspector of Police,
Traffic Investigating Wing,
Vishnukanchi Police Station,
Kancheepuram District.
4. The Licensing Authority-cum-
Regional Transport Officer,
Kancheepuram District.

+3cc to Mr. Advocate, S.R.No. 33040 to 33042

W.P.Nos.11675 to 11677 of 2018

svi (CO)
TR(08/05/2018)



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