

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.05.2018

CORAM:

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

W.P.No.11803 of 2018

S.Rajapandian

.. Petitioner

Vs.

1. The Licensing Authority /
The Regional Transport Officer (RTO),
Regional Transport Office, Pollachi, Coimbatore District.
 2. The State, rep. by Inspector of Police,
Aliyar Police Station,
Coimbatore District.
- .. Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus to direct the first respondent to return the original driving licence bearing No.TN4120000002195 .

For Petitioner : Mr.M.Mariappan
For Respondents : Mr.S.N.Parthasarathy,
Govt. Advocate.

ORDER

The petitioner has come forward with the above Writ Petition praying for issuance of a Writ of Mandamus to direct the first respondent to return the original driving licence of the petitioner, bearing No.TN4120000002195.

2. According to the petitioner, he is a Driver working in the Tamil Nadu State Transport Corporation and while driving the bus, with Registration No.TN-43-N-0533, met with accident on 16.03.2018, for which, criminal case had been registered against him under Sections 279, 337 and 304-A IPC and now the case is pending investigation. During the course of investigation, the second respondent seized the petitioner's driving licence and produced the same before the first respondent for taking action against the petitioner under the provisions of the Motor Vehicles Act. So far, no action has been taken. Without taking any action, the first respondent now with-held the driving license of the petitioner.

3. Learned counsel for the petitioner 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, 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 has 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 Government Advocate appearing for the respondents submitted that under the provisions of the Motor Vehicles Act, the respondents are entitled to proceed against the petitioner and they will take necessary action against the petitioner.

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 first respondent for cancelling or suspending the licence, the first respondent cannot withhold the licence of the petitioner, hence, the first respondent is directed to return the driving licence of the petitioner 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 Petition is allowed. No costs.

Sd/-

Assistant Registrar/Vacation Officer

//True Copy//

Sub Assistant Registrar

cs

To

1. The Licensing Authority /
The Regional Transport Officer (RTO),
Regional Transport Office, Pollachi, Coimbatore District.

2. The Inspector of Police,
Aliyar Police Station,
Coimbatore District.

+1cc to Mr.M.Mariappan, Advocate, S.R.No.33134

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SSI (CO)
CS/08/05/18



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