

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.02.2018

CORAM

THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU

Writ Petition No.2298 of 2018

S.Govindarasu
S/o.Samy Kannan

.. Petitioner

Vs.

1. The Regional Transport Officer
The Regional Transport Office
Krishnagiri, Krishnagiri District.

2. The Inspector of Police
Kaveripattinam Police Station,
Krishnagiri District.

3. The Branch Manager
The Tamil Nadu State Transport Corporation
Hosur Suburban Branch
Krishnagiri District.

.. Respondents

Writ petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus, directing the 1st and 2nd respondents to return the petitioner's driving license by considering the petitioner's representation dated 05.12.2017 within the time frame.

For Petitioner : Mr.K.Gandhikumar

For Respondents : Mr.S.Soundararajan
Government Advocate for R1 & R2

O R D E R

Mr.S.Soundararajan, learned Government Advocate takes notice for the respondents 1 and 2. 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 respondents 1 and 2 to return his driving license bearing D.L.No.TN29Y20020003669.

3. Heard both sides.

4. The petitioner is a driver in the Tamil Nadu State Transport Corporation, Krishnagiri District. It is stated that the petitioner's driving licence was seized, pursuant to an accident taken place on 01.12.2017 and followed by the registration of FIR in Crime No.969 of 2017 under Sections 279, 337 and 304(A) of IPC. Now the petitioner seeks for return of the driving licence by contending that the respondents 1 and 2 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 1 and 2 are justified in retaining the driving license of the petitioner.

6. Accordingly, the writ petition is allowed and the respondents 1 and 2 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 V)

//True Copy//

Sub Assistant Registrar

mk

To

1.The Regional Transport Officer
The Regional Transport Office
Krishnagiri, Krishnagiri District.

2.The Inspector of Police
Kaveripattinam Police Station,
Krishnagiri District.

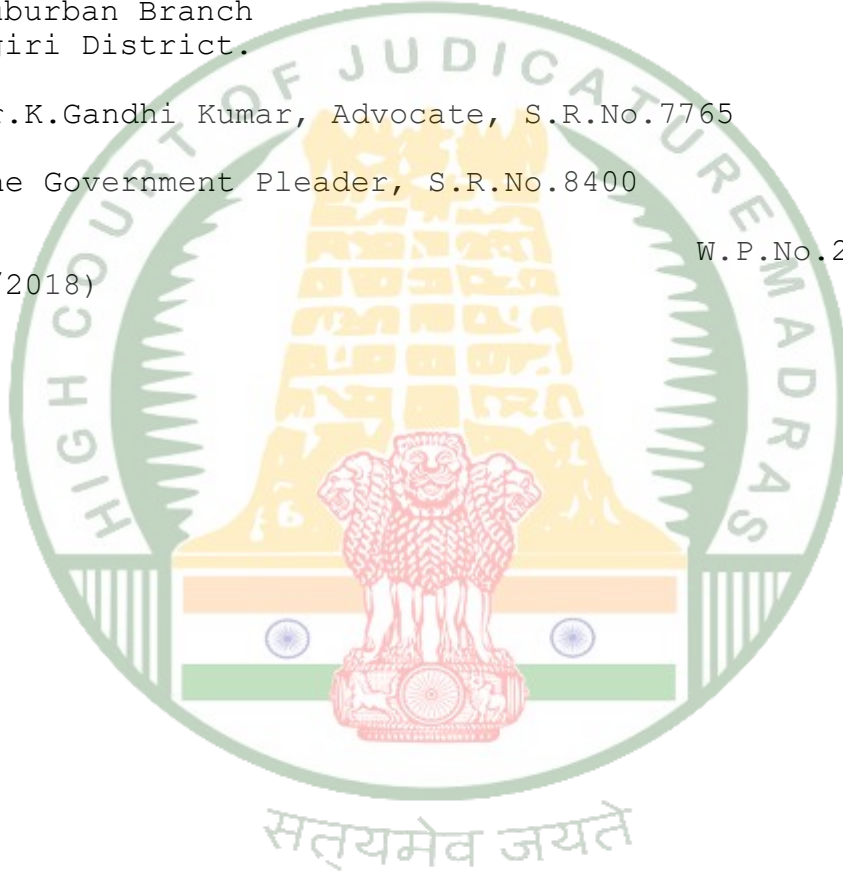
3.The Branch Manager
The Tamil Nadu State Transport Corporation
Hosur Suburban Branch
Krishnagiri District.

+1cc to Mr.K.Gandhi Kumar, Advocate, S.R.No.7765

+1cc to the Government Pleader, S.R.No.8400

W.P.No.2298 of 2018

RRK(13/02/2018)



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