

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.02.2018

CORAM

THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU

Writ Petition No.2679 of 2018

M.Ravi
S/o.Thiru.Mokkaiyan

.. Petitioner

Vs.

- 1.The Transport Commissioner
Chepauk,
Chennai-600 005.
- 2.The Assistant License Issuing Authority
O/o.Regional Transport Office
Unit Office Thirumangalam,
Madurai District.
- 3.The Regional Transport Officer
Pulianthope Regional Transport Office
Pulianthope, Chennai.
- 4.The Inspector of Police
C2 Traffic Investigation Wing
Elephant Gate, Chennai-79.
- 5.The Branch Manager
Metropolitan Transport Corporation
Central Depot,
Pallavan House, Chennai-600 002.

.. Respondents

Writ petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus, directing the respondents 1 to 4 to return the petitioner's driving licence in D.L.No.TN 60 19960000833 enable him to join and continue his service in the 5th respondent Transport Corporation.

For Petitioner: Mr.A.Rajesh Kanna

For Respondents: Mr.D.Suriyanarayanan
Additional Government Pleader
for R1 to R4.

O R D E R

Mr.D.Suriyanarayanan, learned Additional Government Pleader takes notice for the respondents 1 to 4. 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 to 4 to return the petitioner's driving license bearing D.L.No.TN 60 19960000833 to enable him to join and continue his service in the 5th respondent Transport Corporation.

3. Heard both sides.

4. The petitioner is a driver in the Metropolitan Transport Corporation, Chennai. It is stated that the petitioner's driving licence was seized, in pursuant to an accident taken place on 09.01.2018 and followed by the registration of FIR in Crime No.4 of 2018 under Section 304(A) of IPC and Section 184 of the Motor Vehicles Act. Now the petitioner seeks for return of the driving licence by contending that the respondents 1 to 4 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 to 4 are justified in retaining the driving license of the petitioner.

6. Accordingly, the writ petition is allowed and the respondents 1 to 4 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.

-s/d-
Deputy Registrar

True Copy

Sub-Assistant Registrar

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To

- 1.The Transport Commissioner
Chepauk,
Chennai-600 005.
- 2.The Assistant License Issuing Authority
O/o.Regional Transport Office
Unit Office Thirumangalam,
Madurai District.
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+1 CC to Mr.D. Rajesh Kanna, Advocate sr 9294.
+1 CC to Govt. Pleader sr 9711.

W.P.No.2679 of 2018

RRK (09/02/2018)