

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:24.01.2018

CORAM

THE HONOURABLE MR.JUSTICE RAVICHANDRABAABU

W.P.No.1441 of 2018

S.Murugan
S/o.Sivalingam

... Petitioner

vs.

1. The Regional Transport Officer
Regional Transport Office
Krishnagiri.

2. The Inspector of Police
Krishnagiri Taluk Police Station
Krishnagiri.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the respondents to return the original driving license of the petitioner in DL.No.TN29T/DLR/0002933/2017 forthwith.

For Petitioner : Mr.C.Prabakaran
For Respondents : Mr.D.Suriyanarayanan
Additional Government Pleader

O R D E R

Mr.D.Suriyanarayanan, learned Additional Government Pleader takes notice for the respondents and 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 to return the Driving License of the petitioner bearing DL.No.TN29T/DLR/0002933/2017 forthwith to the petitioner.

3. It is seen that the petitioner is a driver employed in the Tamil Nadu State Transport Corporation Limited, Salem Division-II at Hosur Branch and his driving license was seized in pursuant to the accident took place on 30.09.2017, followed by registration of a criminal case in Crime No.642/2017 under Sections 279, 337 & 304(A) of IPC. It is further stated that the license of the petitioner is not suspended so far and no proceedings in any form was issued to the petitioner till this date. Therefore, it is contended by the petitioner that the seizure of the license and retaining the same is erroneous

merely because the criminal case was registered against the petitioner in respect of an accident. Learned counsel for the petitioner, in support of his contention relied on the decision 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).

4. Learned counsel appearing for the respondents submitted that the license of the petitioner was seized since an accident had taken place on 30.09.2017 while the petitioner was driving the vehicle.

5. Heard both sides.

6. It is seen that the petitioner's driving license was seized pursuant to the accident that had taken place on 30.09.2017 followed by the registration of the criminal case. It is further seen that the license of the petitioner has not been suspended so far. Even in respect of the cases where the license were suspended, this Court in the above referred cases, has held that the authorities are not entitled to suspend the license merely because the criminal case is registered against the petitioner. Therefore, the petitioner is entitled to get back the license, however, with liberty to the respondents to proceed against the petitioner in accordance with law.

7. Accordingly, the writ petition is allowed and the respondents 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 first respondent 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

True Copy

Sub-Assistant Registrar

mk

To

1. The Regional Transport Officer
Regional Transport Office
Krishnagiri.

2. The Inspector of Police
Krishnagiri Taluk Police Station
Krishnagiri.

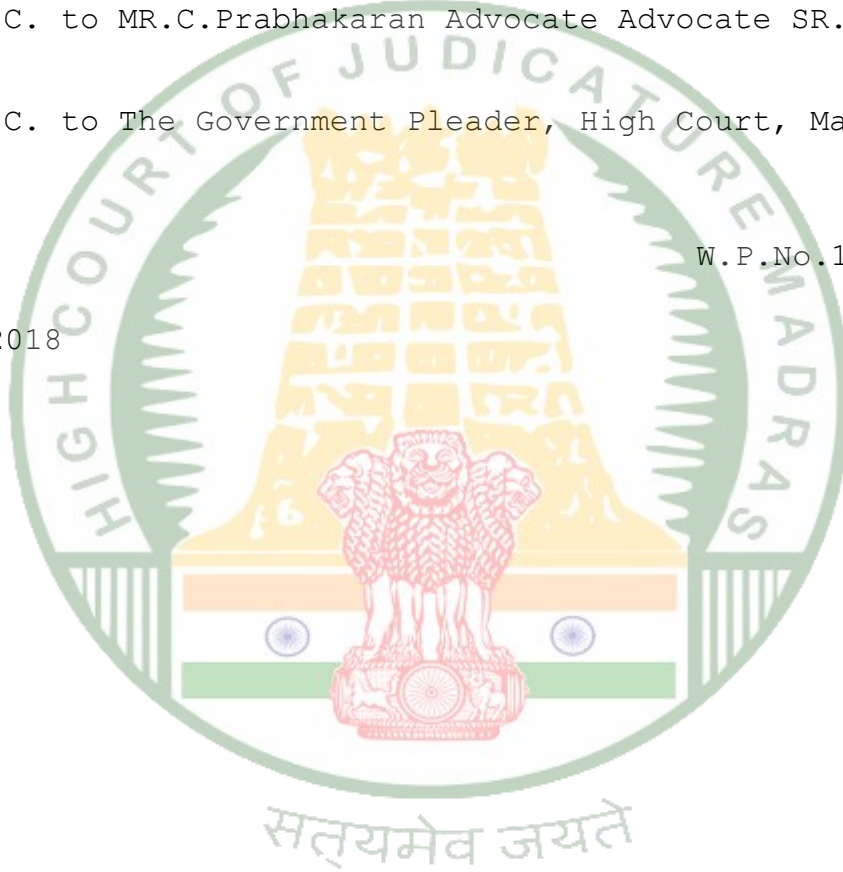
+1 C.C. to MR.C.Prabhakaran Advocate Advocate SR.NO. 5407

+1 C.C. to The Government Pleader, High Court, Madras SR.NO.
5845

W.P.No.1441 of 2018

AK (CO)

VS 08.02.2018



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