

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.07.2018

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

Writ Petition No.15653 of 2018

C.Elumalai

.. Petitioner

Vs.

1. The Transport Commissioner
Chepauk
Chennai-600 005.
 2. The Regional Transport Officer,
O/o. Regional Transport Office,
North-West, Anna Nagar,
Chennai 600 102.
 3. The Motor Vehicle Inspector
Regional Transport Office
North-West, Anna Nagar,
Chennai 600 102.
 4. The Inspector of Police
K-10, Koyambedu Police Station
Traffic Investigation Wing,
Chennai 600 107.
 5. The Branch Manager
Tamil Nadu State Transport Corporation
Ulundurpet Branch,
Villupuram District.
- .. 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 original driving license in D.L.No.TN32Z 2004 0003733 enable him to join duty and continue his service under the 5th respondent.

For Petitioner : Mr.R.KUmaravel

For Respondents : Mr.R.P.Prathap Singh,
Govt. Advocate for RR 1 to 4
: Mr.K.J.Shivkumar for R-5

O R D E R

Mr.R.P.Prathap Singh, learned Government Advocate takes notice for respondents 1 to 4 and Mr.K.J.Shivkumar, learned Standing Counsel, takes notice for 5th respondent. 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 No.TN32Z 2004 003733.

3. Heard both sides.

4. The petitioner is a driver in the Tamil Nadu State Transport Corporation, Ulundurpet branch. It is stated that the petitioner's driving licence was seized, in pursuant to an accident taken place on 08.06.2018 and followed by the registration of FIR in Crime No.77 of 2018 under Sections 279, 304(A) IPC read with Sections 134 (a)(b) and 187 of Motor Vehicles Act. 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 Thambaram, Chennai & 2 others).

5. Learned counsel appearing for the respondents 1 to 4 submitted that the license of the petitioner was seized since an accident had taken place on 08.06.2018, while the petitioner was driving the vehicle.

6. It is seen that the petitioner's driving license was seized pursuant to the accident that had taken place on 08.06.2018 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 was 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 2 and 3 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 IV)

//True Copy//

Sub Assistant Registrar

sra

To

1. The Transport Commissioner
Chepauk, Chennai-600 005.

2. The Regional Transport Officer,
O/o. Regional Transport Office,
North-West, Anna Nagar,
Chennai 600 102.

3. The Motor Vehicle Inspector
Regional Transport Office
North-West, Anna Nagar,
Chennai 600 102.

4. The Inspector of Police
K-10, Koyambedu Police Station
Traffic Investigation Wing,
Chennai 600 107.

5. The Branch Manager
Tamil Nadu State Transport Corporation
Ulundurpet Branch,
Villupuram District.

+1cc to Mr.R.Kumaravel, Advocate Sr.45569
+1cc to the Government Pleader Sr.46115

W.P.No.15653 of 2018

srg 16/07/2018



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