

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31.01.2018

CORAM

THE HON'BLE Mr. JUSTICE K.RAVICHANDRABAABU

W.P.No.1923 of 2018

P.Sivakumar

... Petitioner

Vs.

1. The Transport Commissioner,
Chepauk,
Chennai - 600 005.
2. The Assistant License Issuing Authority,
O/o Regional Transport Officer,
Thiruvannamalai,
Thiruvannamalai District.
3. The Regional Transport Officer,
Madurantagam Regional Transport Office,
Kanchipuram District
4. The Inspector of Police,
Achirapakkam Police station,
Kancheepuram District.
5. The Branch Manager,
Tamil Nadu State Transport Corporation,
Thiruvannamalai Depot - 1,
Thiruvannamalai Zone,
Thiruvannamalai District.

... Respondents

This writ petition is filed under Article 226 of the Constitution of India, to issue a writ of Mandamus directing the respondents 1 to 4 to return the petitioner's driving license in D.L.No.TN 23 1994 0001695 enable him to join and continue his service in the 5th respondent Transport Corporation.

For Petitioner : Mr.A.Rajesh Kanna

For Respondent : Mr.E.Balamurugan
Additional Government Pleader

O R D E R

Mr.E.Balamurugan, learned Additional Government Pleader takes notice for the respondents. By consent, the main writ petition itself is taken up for final disposal at the admission stage itself.

2. The petitioner seeks for a Mandamus, directing the respondents to return the petitioner's driving license in DL.No.TN 23 1994 0001695 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 Tamil Nadu State Transport Corporation Ltd. It is stated that the petitioner's driving licence was seized, in pursuant to an accident that had taken place on 24.12.2017 and followed by the registration of FIR in Crime No.770 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 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 are justified in retaining the driving license of the petitioner.

6. The learned counsel for the petitioner has given an undertaking before this Court that the petitioner is ready and willing to discharge his duties immediately, on receipt of the driving licence.

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 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/-
Deputy Registrar

//True Copy//

Sub Assistant Registrar

vsi

To

1. The Transport Commissioner,
Chepauk,
Chennai - 600 005.
2. The Assistant License Issuing Authority,
O/o Regional Transport Officer,
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Thiruvannamalai District.
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Thiruvannamalai Zone,
Thiruvannamalai District.

+1cc to Mr.A.Rajesh Kanna, Advocate, S.R.No.6948

+1cc to Government Pleader, in sr.no.7425

W.P.No.1923 of 2017

cs/02/02/18