



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 31.01.2018
CORAM:
THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P. (MD) No.1850 of 2018
and
W.M.P. (MD) .Nos.1985 to 1986 of 2018

C.Subramanian

.. Petitioner

Vs.

The Regional Transport Officer,
The Regional Transport Office,
Dindigul.

.. Respondent

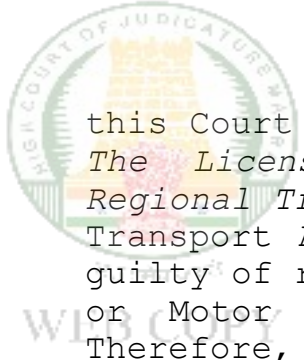
PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, to call for the records from the respondent relating to his impugned order dated 21.11.2017 passed in Se.Mu.Aa.No.8220/A1/17, quash the same and consequently direct the respondent to return the petitioner's driving license without any remarks and award cost.

For petitioner : Mr.S.Arunachalam
For respondent : Mr.K.Saravanan
Government Advocate

O R D E R

Mr.K.Saravanan, learned Government Advocate takes notice for the respondent. By consent of both parties, the main writ petition is taken up for final disposal at the stage of admission itself.

2. The petitioner is working as a driver in the Tamil Nadu State Transport Corporation (Kumbakonam) Limited, The bus which he was driving on 09.11.2017 was involved in an accident. In this regard, Crime No.419 of 2017 was registered on the file of Vadamadurai Police Station, Vadamadurai. The petitioner has been shown as an accused in the said criminal case. The police are yet to file their final report. The criminal case is pending as on date. In the meanwhile, the respondent has passed the impugned order dated 21.11.2017, suspending the writ petitioner's license for a period of three months from 09.11.2017 to 08.02.2018. It is true that before passing the impugned order of suspension, the petitioner was put on notice.



this Court in the decision reported in 2010 WLR 100 - *P.Sethuram vs. The Licensing Authority, The Regional Transport Officer, The Regional Transport Office, Dindigul* has held that it is not for the Transport Authority to pre-conclude the issue that the licensee is guilty of rash and negligent driving, even before the Criminal Court or Motor Accident Claims Tribunal have gone into the issue. Therefore, the order suspending the writ petitioner's license cannot be sustained. There is also no due application of mind. The impugned order is, therefore, quashed. The respondent is directed to return the writ petitioner's original driving license forthwith.

4. This Writ petition stands allowed accordingly. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar(P&A)

/True copy/

Sub Assistant Registrar

To
The Regional Transport Officer,
The Regional Transport Office,
Dindigul.

+1cc to Mr.S.ARUNACHALAM,Advocate,SR. 45575

W.P. (MD) No. 1850 of 2018
31.01.2018

DAS/KMI
KK/SV MMS/SAR 4/01.02.2018/ 2P- 3C/