



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.1852 of 2018
and
W.M.P. (MD) .Nos.1989 to 1991 of 2018

Ganapathy .. Petitioner

Vs.

The Regional Transport Officer,
The Regional Transport Office,
Palani, Dindigul District. .. Respondent

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, to call for the impugned order in proceeding No.Se.Mu. Order No.17409/E1/2017 dated 14.12.2017, on the file of the respondent herein and to quash the same as illegal and direct the respondent to return the seized license bearing No.TN7220080007725 dated 22.09.2008 and further forbearing the respondent from suspending the license before the finality of the criminal case registered under Cr.No.672 of 2017, on the file of the Palani Town Police Station, Dindigul District.

For petitioner : Mr.K.R.Laxman
For respondent : Mr.M.Jeyakumar
Additional Government Pleader

O R D E R

Mr.M.Jeyakumar, learned Additional Government Pleader, 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 Tamil Nadu State Transport Corporation Limited, Tirunelveli Division. The bus which he was driving on 18.11.2017 was involved in an accident. In this regard Crime No.672 of 2017 was registered on the file of Palani Town Police Station, Dindigul District. 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 14.12.2017, suspending the writ petitioner's license for a period of six months from 14.12.2017 to 13.06.2018. It is true that before passing the impugned order of suspension, the petitioner was put on notice.



3. However a mere look at the impugned order would show that it has been passed in a stereo typed format. The Division Bench of 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(Crl side)

/True copy/

Sub Assistant Registrar

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

W.P. (MD) No. 1852 of 2018
31.01.2018

kmi/das
KK/SV MMS/SAR 4/01.02.2018/ 2P- 2C/