



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.02.2018

CORAM :

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P. (MD) .No.241 of 2018

and

W.M.P. (MD) .Nos.242 & 243 of 2018

A.Victor

... Petitioner

Vs.

1. The Deputy Commissioner of
Transport Corporation,
Thanjavur.
2. The Licensing Authority and
Regional Transport Officer,
Transport Department,
Pudukottai.
3. The Inspector of Police,
Viralimalai Police Station,
Pudukottai District.

... Respondents

Prayer: This Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned order passed by the second respondent in Se.Mu.Order.No.29220/A4/2017 dated 28.12.2017 quash the and consequently direct the respondents to return the petitioner's original driving license bearing DL No.TN45 19920000825 to him within a time limit that may be fixed by this Court.

For Petitioner
For Respondents

: Mr.A.Rahul
: Mrs.S.Srimathy
Special Government Pleader

ORDER

Heard the learned counsel on either side.

<https://hcservices.ecourts.gov.in/hcservices/>

2.By consent of both the parties, the main Writ Petition is taken up for final disposal.



3.The petitioner is working as Driver in the Tamil Nadu State Transport Corporation (Kumbakonam) Limited. The bus in which he was driving was involved in an accident on 10.07.2017. In this regard, Crime No.195 of 2017, was registered against the petitioner on the file of the Viralimalai Police Station. The criminal case is still pending. Final report is yet to be filed. In the mean while, the second respondent took action and imposed the punishment of suspension of the petitioner's Driving License for a period of one year. The said order of Suspension is impugned in this Writ Petition.

4.It has been held by this Court that when the Criminal Court is yet to pronounce on the guilt or otherwise of the delinquent, the Licensing Authority should not pre-judge the matter. In that view of the matter, the order impugned in this Writ Petition is quashed. The second respondent is directed to return the petitioner's original driving license forthwith.

5.The Writ Petition stands allowed. No costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar

/True Copy/

Sub Assistant Registrar

To

1. The Deputy Commissioner of Transport Corporation,
Thanjavur.
2. The Licensing Authority and
Regional Transport Officer,
Transport Department,
Pudukottai.
3. The Inspector of Police,
Viralimalai Police Station,
Pudukottai District.

+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No. 46228
+ 1 CC TO Mr.A.RAHUL, ADVOCATE IN SR No. 45433

TSG

TE/SV-MMS/SAR-1 : 05/02/2018 : 2P/6C