



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.03.2018

CORAM :

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P. (MD) .No.6635 of 2018

and

W.M.P. (MD) .Nos.6429 & 6430 of 2018

R.Justus

... Petitioner

Vs.

1. The Regional Transport Officer,
The Regional Transport Office,
Tiruvanandapuram.

2. The Regional Transport Officer,
The Regional Transport Office,
Marthandam.

... 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 pertaining to the impugned order passed by the first respondent in Order No.L2/2305/T/17 dated 22.12.2017 quash the same and consequently direct the second respondent to return the petitioner's driving license and to drop the action against him.

For Petitioner

: Mr.G.M.Xavier

For Respondents

: Mr.K.Saravanan

Government Advocate

ORDER

Mr.K.Saravanan, learned Government Advocate, takes notice for the respondents.

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

3.The petitioner is working as Driver in the Tamil Nadu State Transport Corporation (Tirunelveli) Limited, Thickanamcode Post, Kanyakumari District. The bus in which he was driving was involved in an accident on 06.11.2017. In this regard, Crime No.6057 of 2017, was registered against the petitioner on the file of the Traffic Police Station, Tiruvanandapuram. The criminal case is still pending. Final report is yet to be filed. In the mean while, the Inspector of Police seized the petitioner's driving licence and



the same was handed over to the second respondent. The second respondent without giving any show cause notice to the petitioner, temporarily suspended the petitioner's driving license for a period of six months. The said order of Suspension is impugned in this Writ Petition.

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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 the Writ Petition stands 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(CS-II)

/True Copy/

Sub Assistant Registrar

To

1. The Regional Transport Officer,
The Regional Transport Office,
Tiruvanandapuram.
2. The Regional Transport Officer,
The Regional Transport Office,
Marthandam.

+1CC to the Special Government Pleader SR.No.59331

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tsg

TE/SV MMS/SAR 4/13.04.2018/2P/4C