



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.01.2018

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

WEB COPY

W.P. (MD) No.22071 of 2017

and

W.M.P. (MD) .Nos.18389 to 18391 of 2017

B.Munusamy

.. Petitioner

Vs.

1.The Licensing Authority/
Regional Transport Officer,
Thanjavur.

2.The Inspector of Police,
Vallam Police Station,
Vallam, Thanjavur District.

.. Respondents

PRAYER: 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 first respondent in Na.Ka.No.E4/50332/2017, dated Nil signed by the first respondent on 31.10.2017, quash the same and consequently direct the respondents to return the petitioner's original driving license bearing DL No.TN45 19960000514 to the petitioner within the time limit that may be fixed by this Court.

For petitioner
For respondents

: Mr.A.Rahul
: Mr.M.Jeyaram
Additional Government Pleader

O R D E R

Heard Mr.A.Rahul, learned Counsel for the petitioner and Mr.M.Jeyaram, learned Additional Government Pleader appearing for the respondents.

2. The Writ Petitioner is working as a driver in Tamil Nadu State Transport Corporation, Kumbakonam. It is alleged that the bus driven by the writ petitioner was involved in a case of fatal accident. In this regard a criminal case in Crime No.310 of 2017 was registered against the writ petitioner under Section 279, 337 and 304(A) IPC. The second respondent had intimated the first



respondent in this regard. The first respondent issued show cause notice followed by the impugned order dated 31.10.2017, suspending the writ petitioner's Driving License for a period of six months.

3. The said order is assailed by the learned counsel for the writ petitioner primarily on two grounds. He would contend that the licensing authority ought not to have pre-determined the issue when the criminal case is yet to be taken up for adjudication. Secondly, the orders are in a printed format betraying complete non-application of mind and satisfied if the sustainability of both the conditions. A mere look at the impugned order would show that the licensing authority had proceeded on the premise that the writ petitioner is already guilty. It is clearly incorrect. The criminal case is still pending. Such an erroneous premise is found in the impugned order because the authority had chosen to employ stereo typed/printed format in which the details have been filled in. This Court had held in more than one case that printed formats are not to be employed in such cases. The impugned order is therefore quashed. The first respondent is directed to return the petitioner's Driving License in original forthwith.

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

Sd/-

Assistant Registrar(CSII)

/True Copy/

Sub-Assistant Registrar

To

1.The Licensing Authority/
Regional Transport Officer,
Thanjavur.

2.The Inspector of Police,
Vallam Police Station,
Vallam, Thanjavur District.

+One cc to Mr.A.Rahul, Advocate, SR.No.42167

+One cc to The Special Government Pleader, SR.No.42447

kmi

RL/5C/2P/JC/SAR4/19/1/2018

ORDER MADE IN
W.P. (MD) No. 22071 of 2017

12.01.2018