

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :07.06.2019

CORAM

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.No.15448 of 2019

S.Sankar

..Petitioner

vs

1.The Transport Commissioner,
Chepauk,
Chennai-600 005.

2.The Regional Transport Officer,
O/o. Regional Transport Office,
Paranur, Chengalpattu,
Kancheepuram District.

3.The Branch Manager,
Tamil Nadu State Transport Corporation (Villupuram) Limited,
Kallakurichi Depot-I,
Villupuram District.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, to direct the respondents 1 and 2 to return the petitioner's Original driving license in DL. No. TN 32 Z 1990 0001 186 to enable him to join duty and continue his service under the 3rd respondent.

For Petitioner : Mr.R.Kumaravel

For Respondents : Mr.J.Ramesh
Additional Government Pleader

ORDER

Mr.J.Ramesh, learned Additional Government Pleader takes notice for respondents. By consent of the parties, the main writ petition is taken up for final disposal at the admission stage itself.

2. The petitioner seeks for a Mandamus, directing the respondents 1 to 3 to return the petitioner's driving license bearing No.TN32Z 1990 0001 186.

3. Heard both sides.

4. The petitioner is a driver in the Tamil Nadu State Transport Corporation, Villupuram Division. It is stated that the petitioner's driving licence was seized, in pursuant to an accident taken place on 14.05.2019 and followed by the registration of FIR in Crime No.230 of 2019 under Sections 279, 337, and 304(A) IPC. It is further stated that the license of the petitioner is not suspended so far and no proceedings in any form was issued to the petitioner till this date. Therefore, it is contended by the petitioner that the seizure of the license and retaining the same is erroneous merely because the criminal case was registered against the petitioner in respect of an accident. Learned counsel for the petitioner, in support of his contention relied on the

decision reported in **2010 Writ L.R. 100 (P.Sethuram vs. The Licensing Authority, The Regional Transport Officer, The Regional Transport Office, Dindigul)** and a single Judge decision made in W.P.No.16958/2013 dated 01.07.2013 reported in **2013 Writ L.R.843 (S.Duraivelu vs. The Regional Transport Officer, West Thambaram, Chennai & 2 others)**.

5. Learned Additional Government Pleader appearing for the respondents 1 to 3 submitted that the license of the petitioner was seized since an accident had taken place on 14.05.2019, while the petitioner was driving the vehicle.

6. It is seen that the petitioner's driving license was seized pursuant to the accident that had taken place on 14.05.2019 followed by the registration of the criminal case. It is further seen that the license of the petitioner has not been suspended so far. Even in respect of the cases where the license was suspended, this Court in the above referred cases, has held that the authorities are not entitled to suspend the license merely because the criminal case is registered against the petitioner. Therefore, the petitioner is entitled to get back the license, however, with liberty to the respondents to proceed against the petitioner in accordance with law.

M.DHANDAPANI.J.,

ssd/tta

7. Accordingly, the writ petition is allowed and the respondents 2 and 3 are directed to return the driving license of the petitioner immediately on receipt of a copy of this order. However, it shall not preclude the respondents from initiating any action, if any of the contingencies specified in Clauses (a) to (h) of Section 19(1) of the Motor Vehicles Act, arises later or if any of the Rules as prescribed by the Central Government in pursuance of Section 19(1)(f) of the Act, are violated. No costs.

07.06.2019

ssd/tta

Index : Yes/No

Internet : Yes/No

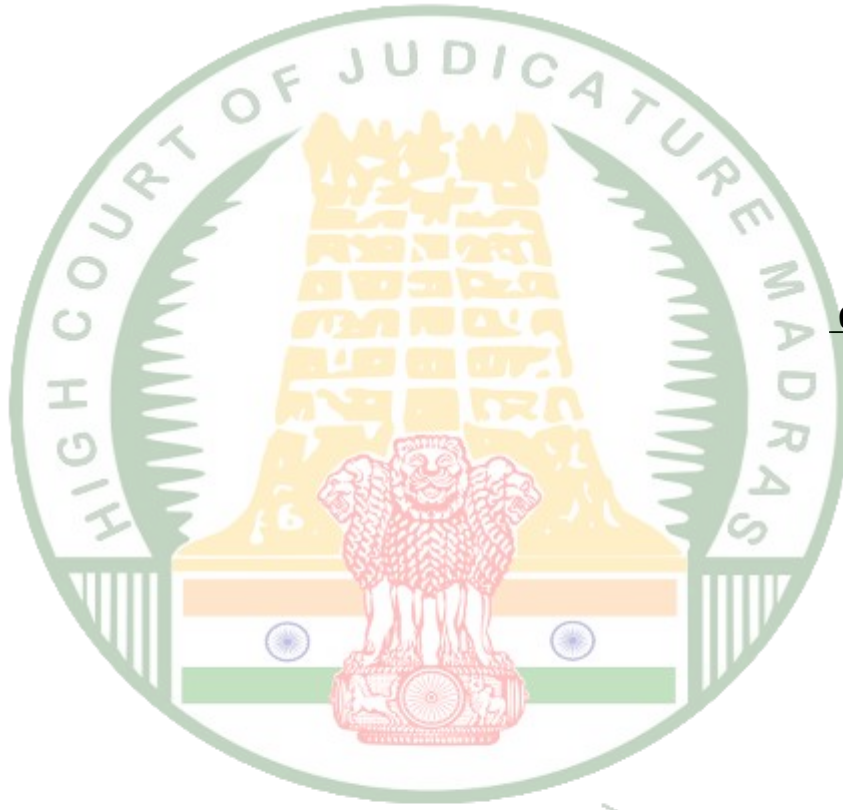
Speaking Order/Non Speaking Order

(Note: Issue order copy on 07.06.2019)

To

1. The Transport Commissioner,
Chepauk, Chennai-600 005.
2. The Regional Transport Officer,
O/o. Regional Transport Office,
Paranur, Chengalpattu,
Kancheepuram District.
3. The Branch Manager,
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