

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 17.03.2020
CORAM
THE HONOURABLE Mr.JUSTICE N.ANAND VENKATESH

W.P. No. 6556 of 2020

P.Suresh Kumar

... Petitioner

Vs.

1.The Inspector of Police,
Chithode, Erode District.

2.The Licensing Authority - Cum -
Regional Transport Officer,
Erode West, Erode,
Erode District.

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus directing the second respondent herein to return the original driving license (DL. No. TN 33 20010005820) to the petitioner forthwith.

For Petitioner : Mr. K.Hariharan

For Respondents : Mr. S.N.Parthasarathi
Government Advocate

ORDER

This Writ Petition has been filed for the issuance of Writ of Mandamus directing the second respondent to return the original driving license to the petitioner.

2. The case of the petitioner is that he was working as driver and the vehicle met with an accident resulting in the death of motor cycle rider. A criminal case came to registered against the petitioner for offense under Sections 279, 337 IPC.

3. The grievance of the petitioner is that the first respondent has seized the driving license and handed it over to the second respondent. The second respondent had retained the same even without initiating any proceedings for the cancellation of license. Aggrieved by the same, the present Writ Petition has been filed before this Court.

4. Heard Mr. K.Hariharan, learned counsel appearing on behalf of the petitioner and Mr. S.N.Parthasarathi, learned Government Advocate appearing on behalf of the respondents.

5. The issue that has been raised in the present Writ Petition is covered by earlier judgments of this Court. It will be relevant to rely upon the judgment of this Court in the case of N.Mayilsamy Vs. The Inspector of Police and other in W.P. No. 6274 of 2018, dated 20.03.2018. The relevant portions of the judgment is extracted hereunder:

"... 6. It is seen that the petitioner's driving license was seized pursuant to the accident that had taken place on 02.03.2018 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.

7. Accordingly, the Writ Petition is allowed and the second respondent is 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."

This has also been followed by the subsequent judgments of this Court in the case of P.Krishnasamy Vs. The Inspector of Police and other in W.P. No. 18939 of 2019, dated 01.08.2019 and in the case of J.Rajeshkumar Vs. The Regional Transport Officer in W.P. (MD) No. 2046 of 2020, dated 03.02.2020.

6. In view of the above, there shall be a direction to the second respondent to return the driving license to the petitioner immediately on receipt of the copy of this order. However, it is made clear that the same will not preclude the respondents from initiating any action under Motor Vehicle Act and Rules and the petitioner is directed to co-operate during the enquiry.

7. This Writ Petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar (CS-VIII)

// True Copy//

Sub Assistant Registrar

bkn

To

1.The Inspector of Police,
Chithode, Erode District.

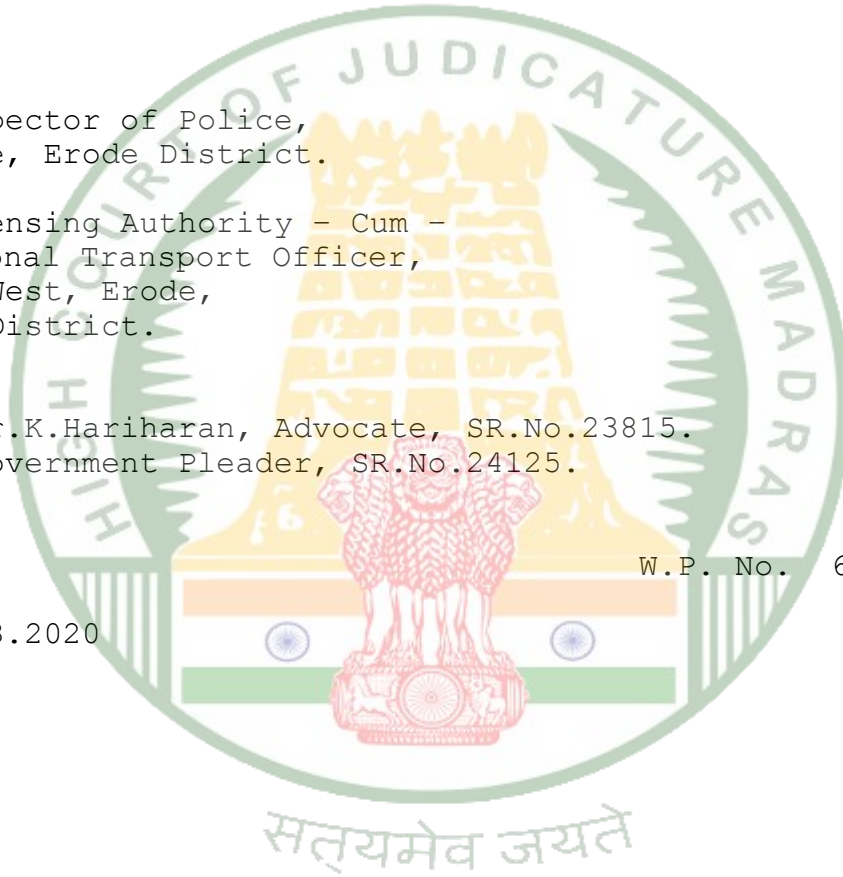
2.The Licensing Authority - Cum -
Regional Transport Officer,
Erode West, Erode,
Erode District.

+1cc to Mr.K.Hariharan, Advocate, SR.No.23815.

+1cc to Government Pleader, SR.No.24125.

W.P. No. 6556 of 2020

NR (CO)
CSR: 19.03.2020



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