

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 3/3/2021
CORAM

THE HONOURABLE Mr.JUSTICE B.PUGALENDHI

Writ Petition No.5022 of 2021

R.Tamilarasan

..Petitioner

Vs.

1. The Inspector of Police
Traffic Investigation Wing (West)
Coimbatore City.

2. The Licensing Authority-cum-
Regional Transport Officer
Coimbatore Central
Coimbatore 18.

..Respondents

Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of certiorarified mandamus to call for the records of the second respondent made in No.47254/B4/20 dated 4/2/2021 suspending the driving license of the petitioner for a period of five months and 30 days from 29/12/2020 to 28/6/2021 and to quash the same and consequently direct the second respondent to return the original driving license (DL No.TN6919970003914) to the petitioner forthwith.

For petitioner ... Mr.K.Hariharan

For respondents ... Mr.D.Venkatesan

Government Advocate

O R D E R

This Writ Petition has been filed to quash the order, dated 4/2/2021, passed by the second respondent in No.47254/B4/20, suspending the driving license of the petitioner for a period of five months and 30 days from 29/12/2020 to 28/6/2021 and consequently, direct the second respondent to return the original driving license (DL No.TN6919970003914) to the petitioner forthwith.

2. The case of the petitioner is that he is working as a driver in the Tamil Nadu State Transport Corporation of Coimbatore. On 2/12/2020, an accident had occurred while he was on duty and driving the Corporation bus due to which a pillion rider of a motorcycle died. The 1st respondent police registered a case in Crime No.283 of 2020, as against the petitioner, under Sections 279, 337 and 304 A of IPC and the same is pending investigation.

During the course of investigation, the 1st respondent police have collected the original driving licence of the petitioner and submitted it to the 2nd respondent with a recommendation to cancel the driving licence issued to the petitioner.

3. Mr.K.Hariharan, learned counsel appearing for the petitioner would submit that the case registered against the petitioner in Crime No.283 of 2020 is pending at the stage of investigation, therefore, only after the trial, it could be revealed whether any lapse is there on the part of the petitioner or not. He would further submit that at present, the case is in F.I.R. stage and it is not appropriate on the part of the 1st respondent to make a recommendation to the 2nd respondent to cancel the driving licence issued to the petitioner.

4. Mr.M.Elumalai, learned Additional Government Pleader would submit that the case has been registered only on 24/12/2020 and the investigation is still pending. He would refer to the provisions under Section 206(2) of 'The Motor vehicles Act, 1988 which reads as follows:

206. Power of police officer to impound document -

(1).....

(2) Any police officer or other person authorised in this behalf by the State Government may, if he has reason to believe that the driver of a motor vehicle who is charged with any offence under this Act may abscond or otherwise avoid the service of a summons, seize any licence held by such driver and forward it to the Court taking cognizance of the offence and the said Court shall on the first appearance of such driver before it, return the 222 licence to him in exchange for the temporary acknowledgement given under sub-section (3).

(3)

5. In view of the decision taken by this Court in similar writ petitions, directing the respondents to return the driving license, pending investigation, this Writ Petition is disposed of, in terms of provision under Section 206 of the Motor Vehicles Act and with a direction to the 2nd respondent to return the driving licence to the 1st respondent police, who in turn, shall submit the same before the concerned Judicial Magistrate and the petitioner is at liberty to approach the concerned Judicial Magistrate

for return of the driving license by filing appropriate application and on such application being made, the learned Judicial Magistrate shall decide for return of driving licence in accordance with section 206 of the Motor Vehicles Act, within a period of two weeks thereafter. No costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CCC)

/True copy/

Sub Assistant Registrar

To

1. The Inspector of Police
Traffic Investigation Wing (West)
Coimbatore City.
2. The Licensing Authority-cum-
Regional Transport Officer
Coimbatore Central
Coimbatore 18.

+1cc to The Government Pleader SR.No.13703

akm/10.03.21 /3p-4c/

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