



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.01.2021

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.19553 of 2020

and

W.M.P.(MD)No.16286 of 2020

S.Manikandan

... Petitioner

Vs

1.The Regional Transport Officer
O/o.Regional Transport Officer,
Theni,
Theni District.

2.The Inspector of Police,
Devadanapatti Police Station,
Theni District.
(Crime No.1424/2020)

...

Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, to call for the entire records in relating to the impugned order passed by the first respondent in Se.Mu.AA.No.24511/E2/2020, dated 14.12.2020 and to quash the same as illegal and consequently, to direct the first respondent to return the original driving license bearing No.TN 60 1990 0001349 to the petitioner forthwith after removing the endorsement of 'license cancelled' .

For Petitioner	: Mr.M.S.Jeyakarthik
For Respondents	: Mr.S.Angappan
	Government Advocate

ORDER

Heard the learned counsel on either side.

2.The petitioner was involved in a fatal accident case. Therefore, his original driving license was seized. The first respondent has also passed the impugned order cancelling the same. Questioning the said cancellation order, this writ petition has been filed.

3.The learned counsel appearing for the petitioner placing reliance on the decision of the Hon'ble Division Bench reported in

<https://hcservices.ecourts.gov.in/hcservices/>



(2010) WLR 100 (P.Sethuram Vs. The Licensing Authority, The Regional Transport Officer, Dindigul), points out that till the competent criminal Court pronounces on the petitioner's guilt, it is not open to the first respondent to come to any peremptory conclusion in the meanwhile.

WEB COPY

4. The said submission has considerable force. The aforesaid case law is squarely applicable to the case on hand. In this view of the matter, the order impugned in this writ petition is quashed. The respondents are directed to return the petition mentioned original driving license to the petitioner forthwith and without any delay.

5. The Writ Petition is allowed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(AD-II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

rmi

Note :In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1. The Regional Transport Officer
O/o. Regional Transport Officer,
Theni, Theni District.

2. The Inspector of Police,
Devadanapatti Police Station, Theni District.

+1 CC to M/s.GP (SR-87[F] dated 05/01/2021)

+1 CC to M/s.M.S.JEYA KARTHIK, Advocate (SR-152[F] dated 05/01/2021)

W.P.(MD)No.19553 of 2020
04.01.2021

VR(CO)

TR(22.01.2021) 2P 5C

<https://hcservices.ecourts.gov.in/hcservices/>