



W.P.No.29821 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.10.2024

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.29821 of 2024

Sivakumar

... Petitioner

Vs.

- 1.The Inspector of Police,
Traffic Investigation Wing,
T-2, Chrompet,
Chennai 600 064
- 2.The Licensing Authority cum
Regional Transport Officer,
Chennai South,
Tambaram, Chennai 600 045

... Respondents

PRAYER: Writ Petition is filed under Article 226 of Constitution of India praying to issue a writ of mandamus directing the second respondent herein to return the original driving license (DL No:TN 09 19921005706) to the petitioner forthwith.

For Petitioner : Mr.P.Anbazhagan

For Respondents : Mr.C.Kathiravan,
Special Government Pleader

ORDER

This writ petition has been filed for direction to the second



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respondent to return the original driving license (DL No:TN 09 19921005706) to the petitioner.

2. The petitioner is a driver of Metropolitan Transport Corporation, Chennai Alandu Depot, Chennai having professional driving licence. While he was proceeding his bus bearing registration No.TN 01 AN 1458 near MIT Gate Chrompet, a pedestrian walking from east to west suddenly crossed the road. Though the petitioner applied break, the bus hit the pedestrian and he sustained grievous injuries and died. In view of the said accident, FIR was registered as against the petitioner in crime no.282 of 2024 for the offence under Sections 281, 106(1) of BNS on 21.07.2024. The first respondent seized his licence and forwarded to the second respondent and also recommended for cancellation of his licence.

3. Admittedly, it is an accident, due to which a pedestrian died. Now investigation is pending and the criminal case is in FIR stage. However, in an accident case, unless criminal court convicts the driver for rash and negligent driving, the transport authority cannot suspend him or



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revoke the driving licence. Further, the petitioner never used his licence for illegal purpose.

4. In view of the above, the second respondent is directed to return the original driving licence (DL No:TN 09 19921005706) to the petitioner forthwith. Accordingly, this writ petition is allowed. There shall be no order as to costs.

15.10.2024

Neutral citation:Yes/No
Index: Yes/No
Speaking/Non-speaking order
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G.K.ILANTHIRAIYAN, J.

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To

- 1.The Inspector of Police,
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T-2, Chrompet,
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- 2.The Licensing Authority cum
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