

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated :: 24.04.2015

CORAM:

THE HON'BLE MR. JUSTICE T. RAJA

W.P. No. 12163 of 2015

G.Muruganandamoorthy

.. Petitioner

Vs.

1. The Regional Transport Officer,
Salem (West), Salem.

2. The Inspector of Police,
Traffic Investigation Wing,
Salem City

.. Respondents

PRAYER: This Writ Petition has been filed under Article 226 of the Constitution of India to issue an order of Writ of Mandamus, to direct the respondents to return the petitioner's Driving Licence bearing DL.No.TN.2919950002071 which is valid upto 21.8.2017 forthwith and pass further orders.

For petitioner : Mr.A.Ganesan

For respondents: Mr.R.Lakshmi Narayanan,
Additional Government Pleader

O R D E R

This writ petition has been filed by G.Muruganandamoorthy, working as a driver in the Tamil Nadu State Transport Corporation, Salem, seeking a direction under Article 226 of Constitution of India, directing the respondents to return his Driving Licence bearing DL No. TN.2919950002071.

2. Learned counsel appearing for the petitioner would submit that his Driving License was taken out from him by the second respondent and handed over to the first respondent, the Regional Transport Officer, Salem (West), for the reason that his vehicle met with an accident at about 2.00 a.m. in Bangalore By-pass Road, near Kandampatti Over-bridge, on 22.03.2015, while the petitioner was driving the vehicle bearing Registration No. TN-30-N-1290 from Coimbatore to Salem. Subsequently, a case was registered in FIR

No.245/2015 under sections 279, 337, 338 and 304(A) of IPC on 22.3.2015. Thereupon he was arrested by the police on 22.3.2015. However, on the same day he was released on bail. The said vehicle was also seized by the police on the same day and later the vehicle was produced before the Motor Vehicle Inspector, Grade-I, at the Office of the Regional Transport Officer, Salem (West). Now the case is pending before the Judicial Magistrate No.II, Salem. Under the aforementioned background, the grievance of the petitioner is, citing the registration of FIR No.245 of 2015, when his driving license was forfeited by the second respondent, the Inspector of Police, Traffic Investigation Wing, Salem City, the same was handed over to the first respondent. It is settled law that no licence of a driver, although meets with an accident, can be forfeited without notice or enquiry, as per the ratio laid down by this court in the case of P.Sethuram Vs. The Licensing Authority, The Regional Transport Officer, The Regional Transport Office, Dindigul, reported in 2010 Writ L.R. 100. Hence, the petitioner is before this Court, seeking for return of his Driving License.

3. Learned Additional Government Pleader appearing takes notice for the respondents and submitted that the issue argued by the petitioner is squarely covered in the aforesaid reported case, wherein it has been held that the license of a driver has to be impounded with a prior notice followed by enquiry and if no show cause notice is issued before impounding the license, without following the ingredients contained under clauses (b) to (h) of Sub Section (1) of Section 19 of the Motor Vehicles Act 1988, the same is liable to be set aside. Hence, the order suspending the driving licence cannot be allowed to stand, he pleaded.

4. In view of the above settled legal position, as the driving license of the petitioner has been impounded by the respondents, without notice or enquiry the first respondent is directed to return the driving license to the petitioner, within a period of four weeks from the date of receipt of a copy of this order.

5. With the above direction, this writ petition is disposed of. There is no order as to costs.

avr/ vrc

s/d-

Assistant Registrar (CS-III)

True Copy

Sub-Assistant Registrar

To

1. The Regional Transport Officer,
Salem (West), Salem.

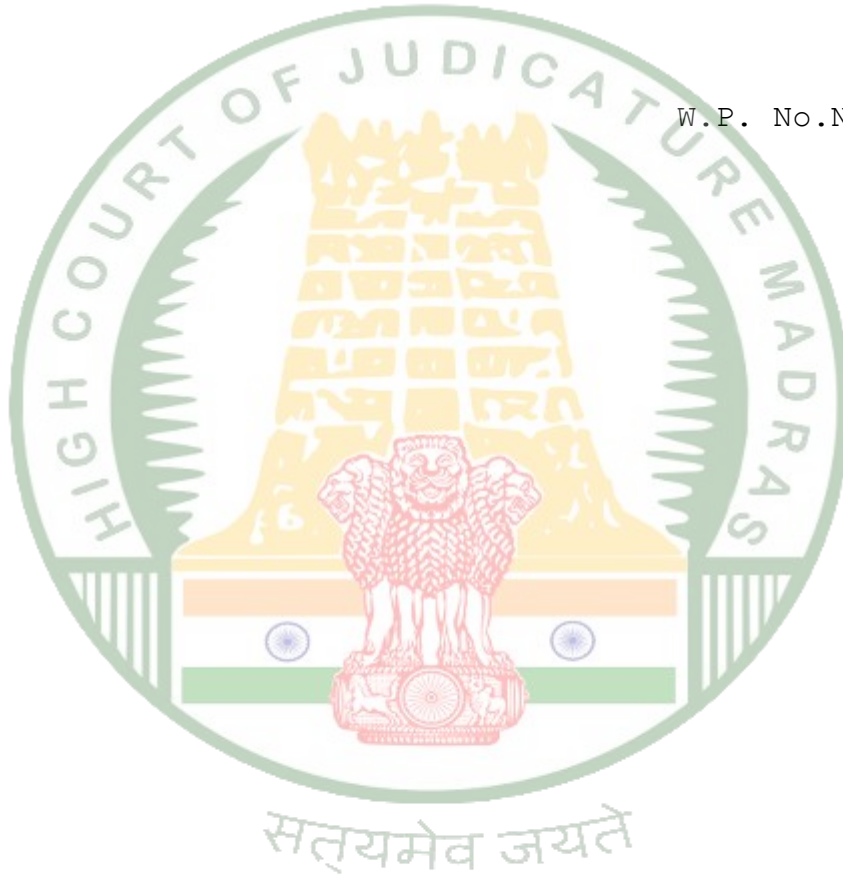
2. The Inspector of Police,
Traffic Investigation Wing,
Salem City

+ 1 cc to Government Pleader SR 22947

+ 1 cc to Mr.A.Ganesan, Advocate SR 22629

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