

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.08.2015

CORAM:

THE HON'BLE MR. JUSTICE R. MAHADEVAN

W.P.No.25733 of 2015
and M.P.Nos.1 & 2 of 2015

A.Ramesh

[Petitioner]

Vs

- 1 Regional Transport Officer
Regional Transport Office
Kollukadu
Karur Main Road, Erode
- 2 The Inspector of Police
Malayampalayam Police Station
Erode District

[Respondents]

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of Mandamus directing the 1st respondent to return the petitioner driving license in DL No.TN47 19950000335 by considering the petitioner's representation dated 06.07.2015.

For petitioner :Mr.A.Gokulakrishnan

For respondents:Mr.M.S.Ramesh, AGP

O R D E R

Heard the learned counsel for the petitioner and the learned Additional Government Pleader, who takes notice for the respondents and with their consent, the main writ petition itself is taken up for hearing.

2. This writ petition has been filed seeking a direction to the 1st respondent to return the petitioner's driving license in DL No.TN47 19950000335, by considering his representation dated 06.07.2015.

3. The petitioner is a driver by profession holding driving license in DL No.TN47 19950000335 issued by the first respondent. He is working as a Driver in Tamil Nadu State Transport Corporation (Karur) Ltd. On 18.6.2015, while he was driving a Government bus,

suddenly an aged person by name Periyasamy tried to cross the road in a bicycle, without noticing the vehicle. Though the petitioner tried to stop the vehicle, he was not able to control it, as the said Periyasamy came very close to the vehicle and an unfortunate accident happened. Subsequently, a case was registered against the petitioner under sections 279 and 337 @ 279 and 304(A) IPC in Crime No.169 of 2015 and his original driving license was seized by the second respondent and the same was handed over to the first respondent at the time of the vehicle inspection by stating that the license is needed for verification purpose. The petitioner approached the respondents in person to return the driving license. Again, on 6.7.2015, he made a representation to the first respondent to return the driving license. Since no further action has been taken, he has come forward with the above Writ Petition.

4. In identical circumstances, this Court in W.P.No.27103 of 2014 dated 13.10.2014 (Mani vs. Regional Transport Officer, Erode), has passed the following order:

"6. The issue involved in this Writ Petition is covered by the decision of this Court in a similar writ petition in W.P.(MD) No.16806 of 2013 dated 22.10.2013, wherein this Court has held as follow:

"7. In view of the said conclusion, I hold that the action of the respondent in retaining the license is illegal. At the same time, in the present case, license was seized by the police, it is for the licensing authority to return the license to the police investigating the criminal case forthwith. On getting the driving license of the petitioner, the investigating officer shall issue acknowledgment, as provided in sub-section 3 of Section 206 of the Motor Vehicles Act and then produce the license before the jurisdictional Magistrate. The jurisdictional Magistrate shall thereafter return the license to the petitioner, as provided in Section 206(1) of the Motor Vehicles Act. On such return of the license to the petitioner, the petitioner shall execute a bond to the satisfaction of the jurisdictional Magistrate undertaking to produce the license, as and when required by the Court.

7. Therefore, this Writ Petition is allowed. The 1st respondent is directed to return the driving license to the Investigation Officer/2nd respondent in Crime No.116 of 2014 on the file of the 2nd respondent, who shall, in turn issue an acknowledgment to the petitioner and then produce the same before the jurisdictional Magistrate and the learned Magistrate, in turn, shall exercise his power under

section 206(1) of the MV Act and return the license to the petitioner."

5. Hence, in the light of the above, the present Writ Petition is allowed. The 1st respondent is directed to return the driving license, which was seized in respect of Crime No.169 of 2015 on the file of the 2nd respondent, to the Investigation Officer/2nd respondent, who shall, in turn issue an acknowledgment to the petitioner and then produce the same before the jurisdictional Magistrate and the learned Magistrate, in turn, shall exercise his power under section 206(1) of the Motor Vehicles Act and return the license to the petitioner.

No costs. Consequently, the connected Miscellaneous Petitions are closed.

Sd/-
Asst.Registrar (CS IV)

/true copy/

Sub Asst. Registrar

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To

1 Regional Transport Officer
Regional Transport Office
Kollukadu
Karur Main Raod
Erode

2 The Inspector of Police
Malayampalayam Police Station
Erode District

+1 cc to Mr.A.Gokulakrishnan, Advocate, sr.43838
+1 cc to The Government Pleader, sr.44181

kji(co)
kra(21/08)

W.P.No.25733 of 2015

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