

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.12.2015
CORAM

The Hon'ble Mr.Justice R.Mahadevan

Writ Petition No.39537 of 2015

S.Tamilselvan

... Petitioner

Vs.

1. The Regional Transport Officer,
Thiruppur (North) Thiruppur.

2. The Inspector of Police
Avinashi Police Station,
Avinashi Thiruppur.

... Respondents

Prayer:-

Writ petition has been filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, to direct the first respondent to return the petitioner's driving licence, bearing D.L.No.TN5820080001408, which is valid till 06.07.2017 forthwith.

For Petitioner : Mr.A.Ganesan
For Respondent : Mr.R.M.Muthukumar
Government Advocate

O R D E R

Heard the learned counsel appearing for the petitioner and the learned Government Advocate for the respondent, who took notice on behalf of respondent, and with their consent, the main Writ Petition itself is taken up for final disposal.

2. The prayer in the Writ Petition is for issuance of mandamus to direct the first respondent to return the petitioner's driving licence, bearing D.L.No.TN5820080001408, which is valid till 06.07.2017, forthwith.

3. At the very outset, learned counsel appearing for the petitioner has drawn the attention of this Court to the order, dated 05.11.2015, passed by this Court in W.P.No.35907 of 2015, and submitted that, in the Writ Petition filed by the petitioner therein involving similar set of facts, this Court disposed of the said Writ Petition following the earlier order, dated

13.10.2014, passed in W.P.No.27103 of 2014, in the case of (Mani Vs. Regional Trasport Officer, Erode,) which, in turn, was rendered following the order passed by the Hon'ble Madurai Bench of this Court, dated 22.10.2013, in W.P.(MD) No.16806 of 2013, and for better appreciation, the operative portion of the order, dated 22.10.2013, is extracted hereunder:-

"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."

4. In the light of the order, dated 05.11.2015 passed in W.P. No.35907 of 2015, which was rendered by following the earlier orders passed in W.P.(MD) No.16806 of 2013 and W.P.No.27103 of 2014, the present Writ Petition is disposed of on the same lines, viz., by directing the first respondent to return the driving licence of the petitioner to the Investigation Officer/second respondent, who shall, in turn issue an acknowledgment 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. No costs.

s/d-
Assistant Registrar(CS-VII)

True Copy

Sub-Assistant Registrar

To

1. The Regional Transport Officer,
Thiruppur (North) Thiruppur.

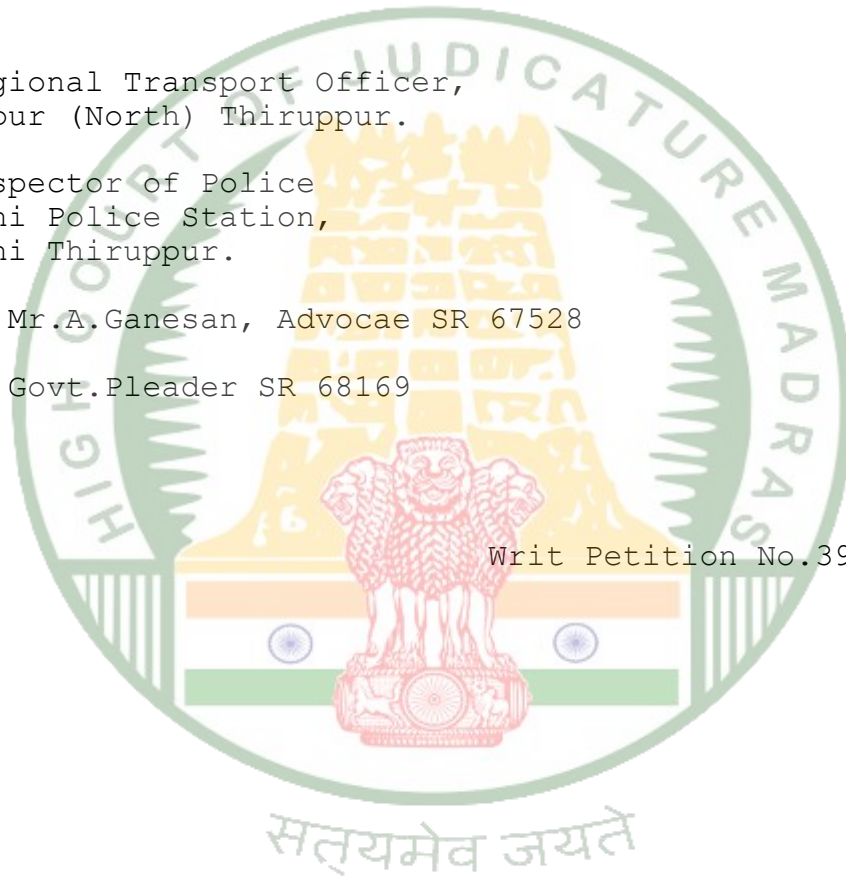
2. The Inspector of Police
Avinashi Police Station,
Avinashi Thiruppur.

+ 1 cc to Mr.A.Ganesan, Advocae SR 67528

+ 1 cc to Govt.Pleader SR 68169

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