



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.07.2015

Coram

WEB COPY

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P. (MD) .No.12648 of 2015

S.SHANMUGASUNDARAM

.. Petitioner

Vs.

THE REGIONAL TRANSPORT OFFICER,
THE REGIONAL TRANSPORT OFFICE, SRIRANGAM,
TRICHY.

.. Respondent

Prayer: Petition is filed under Article 226 of the Constitution of India for the issue of a Writ of Mandamus to direct the respondent to return the driving license of the petitioner bearing D.L.No.TN-45-19830000034 to him forthwith.

For Petitioner	:Mr.S.Arunachalam
For Respondents	:Mr.R.Anandha Raj Government Advocate

O R D E R

This Writ Petition has been filed seeking issuance of a Writ of Mandamus to direct the respondent to return the driving license of the petitioner bearing D.L.No.TN-45-19830000034 to him forthwith.

2.Mr.R.Anandha Raj, learned Government Advocate takes notice for the respondent.

3.By consent, the main writ petition itself is taken up for final disposal.

4.The learned counsel appearing for the petitioner would submit that the licence of the petitioner has been seized and the same has not been returned to the petitioner. Therefore, he approached the respondents in person and also made representation but his licence has not been returned to him so far. Hence, he has come forward with this writ petition.

5.In support of his contention, the learned counsel for the petitioner would rely upon an unreported judgment of this Court in W.P. (MD)No.18186 of 2013 dated 14.11.2013. The relevant portion of the order passed by this Court in W.P.(MD)No.18186 of 2013 is extracted as under:

"5.Having regard to the above position, this Court is inclined to pass the following orders:

The respondent is directed to return the driving licence to the Investigation Officer in Crime No.208/2013 on the file of Samayapuram Police Station, who shall, in turn, issue an acknowledgment to the petitioner and then, produce the same before the Regional Magistrate and the learned Magistrate, in turn, shall exercise his power under Section 206(1) of the MV Act and return the licence to the petitioner."



6.Considering the fact that the issue involved in the instant case has already been decided by this Court in W.P.(MD)No.18186 of 2013, dated 14.11.2013, this Court is also inclined to pass similar orders as under:

The respondent is directed to return the driving licence to the Investigation Officer in Crime No.400/2015 on the file of Musiri Police Station, 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 licence to the petitioner.

7.This Writ Petition is disposed of with the aforesaid direction. No costs.

Sd/-

Assistant Registrar (CO)

/True Copy/

Sub Assistant Registrar

TO

THE REGIONAL TRANSPORT OFFICER,
THE REGIONAL TRANSPORT OFFICE, SRIRANGAM,
TRICHY.

+1cc to MR.S.ARUNACHALAM, Advocate in SR.No. 40208

+1CC THE SPECIAL GOVERNMENT PLEADER, IN SR.NO. 40885

Rj2

SR : 06.08.2015 : 2p/4c

W.P. (MD) No.12648 of 2015
22.07.2015