



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.07.2015

CORAM:

THE HONOURABLE Mr.JUSTICE S.VAIDYANATHAN

W.P. (MD) No.12795 of 2015

WEB COPY

V.Palanisamy

... Petitioner

Vs.

The Regional Transport Officer,
The Regional Transport Office,
Pirattiyur, Trichy.

... Respondent

PRAYER: Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondent to return the driving license of the petitioner bearing D.L.NO.TN-47 1993000263 to him forthwith.

For Petitioner : Mr.S.Arunachalam
For Respondents : Mr.K.Maheshraja, G.A.

ORDER

The petitioner seeks for a Writ of Mandamus, directing the respondent to return the driving license of the petitioner bearing D.L.NO.TN-47 1993000263 to him forthwith.

2.Mr.K.Maheshraja, learned Government Advocate takes notice for the respondent. By consent, the writ petition itself is taken up for final disposal.

3.The learned counsel for the petitioner submitted that though the alleged accident did not happen by mistake of the petitioner, the licence of the petitioner has been seized and the same has not been returned to the petitioner. Therefore, he approached the respondent and also made representation, but the licence has not been returned to him so far. Hence, he has come forward with this Writ petition.

4.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 here 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 the Samayapuram 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 MV Act and return the licence to the petitioner."



5.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.21 of 2015 on the file of the Keeranur Police Station, Pudukkottai District who shall in turn issue an acknowledgment to the petitioner and then, produce the same before the jurisdiction 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.The Writ petition is disposed of with the aforesaid direction. No costs.

Sd/-

Assistant Registrar

/True Copy/

Sub Assistant Registrar (Per.Admn)

To
The Regional Transport Officer,
The Regional Transport Office,
Pirattiyur, Trichy.

+1 CC to Mr.S.Arunachalam, Advocate, SR No.40847.

+1 CC to Spl. Government Pleader Sr No.41149.

Nbj

SH:06.08.2015:P2/4C

W.P. (MD) No.12795 of 2015

23.07.2015