



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 31.07.2015

C O R A M

THE HONOURABLE MR. JUSTICE S.VAIDYANATHAN

Writ Petition (MD) No.13626 of 2015

S.Venkatachalam

... Petitioner

Vs

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

... Respondent

PRAYER: Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the respondent to return the driving license of the petitioner bearing TN-22-19860000643 to him forthwith.

For Petitioner

...

Mr.S.Arunachalam

For Respondent

...

Mr.R.Anandha Raj

Government Advocate, takes notice

O R D E R

This Writ Petition has been filed, praying for issuance of a Writ of Mandamus, to direct the respondent to return the driving license of the petitioner bearing TN-22-19860000643 to him forthwith.

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

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 though the alleged accident did not happen by mistake of the petitioner who driven the bus belonging to the Tamil State Transport Corporation (Salem) Limited, on 30.06.2015, the licence of the petitioner has been seized and the same has not been returned to the petitioner. Therefore, he approached the respondent 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 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."

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.280/2015 on the file of Kollidam 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

/True Copy/

Sub Assistant Registrar

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

+1cc to Mr.s.Arunachalam, Advocate SR.No.42464  
+1cc to Special Government Pleader, Madurai SR.No.43948

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NS/19.08.2015 : 2p/4c