



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.02.2015

CORAM :

WEB COPY

THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU

Writ Petition (MD) No.16921 of 2014

K.Rajkumar

... Petitioner

Vs.

1. The Regional Transport Officer,
Pirattiyur, Dindigul Main Road,
Ramji Nagar,
Trichy.
2. The Regional Transport Officer,
Pudukottai,
Kattupaudukulam,
near Agriculture Office,
100 Feet Road,
Pudukottai Head Office,
Pudukottai 622 001.
3. The Inspector of Police,
Trichy Cantonment Police Station,
Trichy.
4. The General Manager,
Tamil Nadu State Transport Corporation
Kumbakonam Ltd.,
Pudukottai Division,
Pudukottai District.

... Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the respondents 1 to 3 to return the petitioner's original driving licence in DL.No.TN5-19980004499, dated 28.12.1998.

For Petitioner : Mr.S.Saji Bino

For Respondents : Mr.R.Ananda Raj,
Government Advocate.

For 4th Respondent : Mr.D.Sivaraman, Standing Counsel

**ORDER**

The petitioner seeks for a Mandamus directing the respondents 1 to 3 to return the petitioner's driving licence DL.No.TN5-19980004499, dated 28.12.1998.

2.The grievance of the petitioner is that the said licence was seized immediately on registration of a criminal case against the petitioner which is in violation of the Motor Vehicles Act, 1988 and the Rules made therein.

3.The core contention of the petitioner is that the authorities are not entitled to impound the licence without even issuing any show cause notice that too based on filing of an FIR against the petitioner.

4.Learned counsel for the petitioner submitted that the issue involved in this case is squarely covered by the decision of a Hon'ble Division Bench of this Court reported in 2010 Writ L.R.100 (P.Sethuram Vs.The Licensing Authority, Dindigul).

5.In identical circumstances, this Court in the above decision has directed the authorities to return the driving licence, however, with liberty to the respondents therein to initiate any action, if any of the contingencies as specified under Clauses (a) to (h) of Section 19(1) of the said Act.

6.Learned Government Advocate appearing for the respondents fairly conceded to the above said position that the issue is squarely covered by the above said decision.

7.Considering the above stated facts and circumstances and by following the decision of the Hon'ble Division Bench cited supra, this writ petition is allowed and the respondents are directed to return the driving licence of the petitioner, within a week from the date of receipt of a copy of this order. However, it shall not preclude the respondent from initiating any action, if any of the contingencies specified in Clauses (a) to (h) of Section 19(1) of the Act, arises later or if any of the Rules as prescribed by the Central Government in pursuance of Section 19(1) (f) are violated. No costs.

Sd/-

Assistant Registrar(Writs)

/True Copy/

Sub-Assistant Registrar



To

1. The Regional Transport Officer,
Pirattiyur, Dindigul Main Road,
Ramji Nagar, Trichy.
2. The Regional Transport Officer,
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near Agriculture Office, 100 Feet Road,
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3. The Inspector of Police, Trichy Cantonment Police Station,
Trichy.
4. The General Manager,
Tamil Nadu State Transport Corporation
Kumbakonam Ltd., Pudukottai Division, Pudukottai District.

+1cc to Mr.J.Ashok, Advocate, in SR. No.5848/15.

+1cc to Mr.D.Sivaraman, Advocate, in SR. No.5806/15.

+1cc to Special Government Pleader, in SR No.6008/15.

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sms

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