



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.09.2016

CORAM

THE HON'BLE Dr.JUSTICE S.VIMALA

W.P(MD) No.18271 of 2016

P.Manimaran

... Petitioner

-vs-

The Regional Transport Officer,
The Regional Transport Office (North)
Madurai.

... Respondent

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondent to return the driving licence of the Petitioner bearing D.L.No.TN -28-20090000485 to him forthwith .

For Petitioner : Mr.S.Arunachalam

For Respondent : Mr.S.Chandrasekar
Government Pleader

O R D E R

This writ petition has been filed for the issuance of a writ of mandamus, directing the respondent to return the driving licence of the Petitioner bearing D.L.No.TN -28-20090000485.

2.Heard the learned counsel appearing for the petitioner and the learned Additional Government Pleader who takes notice for the respondent. By consent the writ petition itself is taken up for final disposal at the admission stage.

3.The petitioner was working as a driver in the Tamil Nadu State Transport Corporation. He was allotted to work in the bus bearing Registration No.TN-45-N-3134, which was running between Trichy and Madurai. On account of an accident caused by the petitioner, an FIR came to be registered in Crime No.829 of 2016 under Section 304(A) IPC on the file of the /Melur Police Station. When the bus was produced before the Motor Vehicle Inspector for inspection, the concerned police officer who already seized the driving licence of the petitioner, handed over the same to the Motor Vehicle Inspector, who in turn, handed over the same to the



respondent.

4. Seeking release of the driving licence, the petitioner has made a representation to the respondent, which was not considered and hence, this Writ Petition has been filed.

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5. The issue raised in the present Writ petition is squarely covered by the decision of this Court in WP(MD)No.18186 of 2013, in which, the provisions of the Motor Vehicles Act, Central Motor Vehicles Rules have been extensively dealt with and ultimately it has been held that the respondent has no authority to retain the driving licence. The Road Transport Authority was directed to hand over the driving licence to the Investigating Officer in the concerned case, who in turn, was directed to issue an acknowledgment to the petitioner and then produce the same to the jurisdictional Magistrate and the Magistrate was directed to exercise powers under section 206(1) of the Motor Vehicles Act and return the licence to the petitioner.

6. The issue raised in this case is covered by the decision of this Court in the Writ petition stated supra.

7. 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.829/2016 on the file of Melur Police Station, Madurai District, 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.

8. It is also made clear that the acknowledgement issued would have the effect of authorizing the holder to drive the vehicle until the license has been returned to him. This authorization may be extended either by the Police Officer or by the Court.

9. The Writ Petition is disposed of with the above direction. No costs.

Sd/-

Assistant Registrar(CSII

/True Copy/

Sub Assistant Registrar

mj/ar



To:

The Regional Transport Officer,
The Regional Transport Office (North)
Madurai.

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+1cc to Mr.S.Arunachalam Advocate Sr.No. 56023

+1cc to Spl.Government Pleader Sr.No.56128

JAM/24.10.16/SKS_RR/3p-4c

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