



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 27.09.2016

CORAM

THE HONOURABLE DR.JUSTICE S.VIMALA

W.P (MD) No.18447 of 2016

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S.Eswaran

... Petitioner

vs.

1)The Regional Transport Officer,
Dindigul,
Dindigul District.

2)The Inspector of Police,
Palani Town Police Station,
Dindigul District.

... Respondents

Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the 1st respondent to return the petitioner's driving license bearing D.L.No TN 60 20020001800 which is valid up to 10.10.2022.

For Petitioner : Mr.A.D.Ganeshamoorthi

For Respondents : Mr.S.Kumar, Additional Government Pleader

ORDER

This Writ of Mandamus has been filed to direct the 1st respondent to return the petitioner's driving license bearing D.L.No TN 60 20020001800, which is valid up to 10.10.2022.

2.The petitioner is a Driver working in the Tamil Nadu Government Transport Corporation, Palani Division-1; he got himself involved in an accident on 12.08.2016; pursuant to the registration of FIR in Crime No.602 of 2016, for the offence under Section 304(A) IPC, he was arrested and subsequently released on bail; thereafter, the 2nd respondent impounded the driving licence of the petitioner, which according to the petitioner was without following the procedure contemplated under Section 19(1)(c) of the Motor Vehicles Act, 1988 and therefore, he made a representation to the 1st respondent against cancellation with a request to return his licence, stating that it has affected his livelihood. As no orders were passed, the petitioner has filed this writ petition for the abovesaid relief.

3.The learned counsel for the petitioner has relied upon a decision in W.P.Nos.660 and 661 of 2016, dated 08.01.2016, wherein, this Court has directed the Regional Transport Officer to return the driving licence of the petitioner therein, to the



investigating officer, who in turn, shall issue acknowledgement to the petitioner and then produce the same before the Jurisdictional Magistrate and the learned Magistrate, in turn, shall exercise the powers under Section 206(1) of the Motor Vehicles Act, 1988, and return the licence to the petitioner.

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4. On the basis of the above decision, it is the contention of the learned counsel for the petitioner that the 1st respondent has no authority to retain the driving licence of the petitioner without following the procedure prescribed under Section 19(1)(c) of the Motor Vehicles Act and therefore, prayed that similar order may be passed in this case also.

5. It is not in dispute that facts of the present case are similar to the facts in the decision in W.P.Nos.660 and 661 of 2016, dated 08.01.2016, relied upon by the petitioner and therefore, following the said decision, this Writ Petition is disposed of directing the 1st respondent to return the driving licence of the petitioner to the investigating officer, who in turn, shall issue acknowledgement to the petitioner and then produce the same before the Jurisdictional Magistrate and the concerned learned Magistrate, in turn, shall exercise the powers under Section 206(1) of the Motor Vehicles Act, 1988, and return the licence to the petitioner. The said exercise shall be done within a period of two weeks from the date of receipt of a copy of this order. No costs.

Sd/-
Assistant Registrar

/True Copy/

Sub-Assistant Registrar

To

1) The Regional Transport Officer,
Dindigul, Dindigul District.

2) The Inspector of Police,
Palani Town Police Station,
Dindigul District.

+One cc to Mr.A.D.Ganeshamoorthi, Advocate, SR.No.55964

+One cc to The Special Government Pleader, SR.No.56621

nbi

RL/5C/2P/SKN/SKN/SARI/7.10.2016