



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.07.2017

CORAM:

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P(MD) No.14030 of 2017

T.Mayilsamy

... Petitioner

-vs-

The Regional Transport Officer,
Regional Transport Office,
Dindigul Road, Palani,
Dindigul District.

... Respondent

Prayer: Petition filed under Article 226 of the Constitution of India, to issue a writ of Mandamus, directing the Respondent to return the petitioner's Original Driving Licence bearing D.L.TN57Z 19870001215 to the petitioner forthwith.

For Petitioner ... Mr.C.Prakasam
For Respondent ... Mr.Rajakarthikeyan
Addl. Govt. Pleader

O R D E R

This writ petition has been filed, seeking to direct the respondent to return the petitioner's Original Driving Licence bearing D.L.TN57Z 19870001215 to the petitioner forthwith.

2. The Division Bench of this Court had earlier, considered the scope under Section 19(1) of Motor Vehicles Act and allowed the similar Writ Petition, wherein Driving License is withheld without any enquiry, in violation of contemplation of the Act, 1998.

3. The learned counsel for the petitioner also relied upon the order passed in similar Writ Petition in W.P.(MD) No.3002 of 2017, wherein this Court has passed the following orders under Sections 3 and 4 of Motor Vehicles Act, 1988.

"3. The petitioner relied upon the Division Bench judgment of this Court in P.Sethuram vs. The Licencing Authority, reported in 2010 Writ 3 L.R. 100, wherein, at Paragraph 8, it has been held as follows:-

<https://hcservices.ecourts.gov.in/hcservices/>

"A bare reading of Section 19(1) shows that the



Licensing Authority has the power to revoke any licence or disqualify a person for a specified period from holding or obtaining a driving licence, if any of the contingencies prescribed in Clauses (a) to (h) of Sub Section (1) of Section 19 arises. Moreover, the power under Section 19(1) can be invoked only after giving an opportunity of being heard to the holder of the licence and for reasons to be recorded in writing."

4. In the light of the above judgment, the 2nd respondent is directed to return the original driving licence in D.L.No.TN57 20060002589 to the petitioner herein forthwith."

4. Following the above judgment, this Writ Petition is disposed of with a direction to the respondent to return the Original Driving Licence bearing D.L.TN57Z 19870001215 to the petitioner forthwith, by reserving liberty to the respondent to proceed under Section 19 of Motor Vehicles Act, 1988. No costs.

Sd/-

Assistant Registrar (CS-III)

/True Copy/

Sub Assistant Registrar

To:

The Regional Transport Officer,
Regional Transport Office,
Dindigul Road, Palani,
Dindigul District.

+ 1 CC TO Mr.C.PRAKASAM, ADVOCATE IN SR No. 68888
+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No. 69313

AR

TE/SV-MMS/SAR-I : 04/08/2017 : 2P/4C

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