



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.09.2017

CORAM :

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.(MD)No.17266 of 2017

V.Kamatchi

... Petitioner

Vs.

1.The District Collector cum
Regional Transport Authority
Collectorate Complex, Madurai.

2.The Regional Transport Officer,
Regional Transport Office,
Usilampatti, Madurai.

3.The Inspector of Police,
Elumalai Police Station, Elumalai
Madurai District

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus to direct the 2nd respondent to return the petitioner's original driving license bearing D.L.No.TN5820020003312 by way of considering the petitioner's representation dated 06.09.2017.

For Petitioner : Mr.D.Senthil

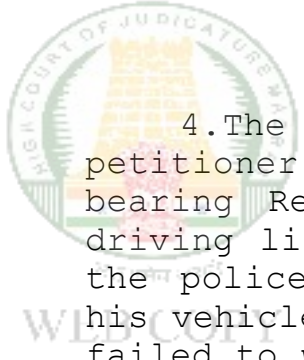
For Respondents : Mr.R.Karthikeyan
Additional Government Pleader

ORDER

By consent of both sides, this writ petition itself is taken up for final disposal.

2. Heard the learned counsel for the petitioner and the learned Additional Government Pleader for the respondents.

3.The petitioner has come to this Court with this writ petition seeking a writ of mandamus to direct the 2nd respondent to return the petitioner's original driving license bearing D.L.No.TN5820020003312 by way of considering the petitioner's representation dated 06.09.2017.



4. The learned counsel for the petitioner would submit that the petitioner is an agriculturist, having TATA Indica Vista Car bearing Registration No. TN64C3537 for his own use and obtained driving license. On 16.08.2017, while he was driving his vehicle, the police officials attached with the third respondent stopped his vehicle and issued a notice indicating therein that the Driver failed to wear seat belt. He would further submit that vide police notice dated 16.08.2017, it is stated that the petitioner said to have violated the traffic rules by driving the car without wearing the seat belt and the petitioner was directed to produce the following records:

(i) Vehicle permit (ii) R.C. Book (iii) Driving License (iv) Driving License.

5. The learned counsel for the petitioner would further submit that on 01.09.2017, the petitioner approached the officials for return of the driving license. However, the officials informed the petitioner that the license was not in their possession and to approach the 2nd respondent. On enquiry, the petitioner came to know that the license is going to be cancelled, for which, they are retaining the license. Therefore, the petitioner has sent a representation to the respondents. However, the said representation has not been considered and hence, the petitioner is before this Court with this writ petition.

6. It is further submitted that though the petitioner has driven the vehicle without wearing seat belt as per Section 194(b) of the Motor Vehicles Act 2017, the penalty is Rs.1,000/- and the petitioner is prepared to pay the penalty and on payment of the said amount, a direction may be issued to the 2nd respondent to return the license.

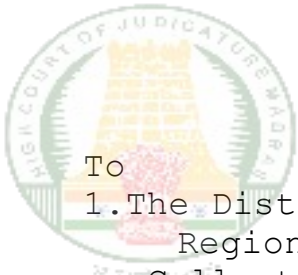
7. The learned Additional Government Pleader would submit that as per Section 194(b) of the Motor Vehicles Act, 2017, penalty is only Rs.1,000/- (Rupees One thousand only) and since there is no provision for suspending the license under the said Act, the petitioner may be directed to pay his penalty and get back his license.

8. Recording his submission, the respondents are directed to receive the penalty as per Section 194(b) of the Motor Vehicles Act and return the license to the petitioner forthwith.

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

Sd/-
Assistant Registrar

/True Copy/



To

1.The District Collector cum
Regional Transport Authority
Collectorate Complex, Madurai.

2.The Regional Transport Officer,
Regional Transport Office,
Usilampatti, Madurai.

3.The Inspector of Police,
Elumalai Police Station, Elumalai
Madurai District.

+1CC to Mr.D.Senthil, Advocate, SR.No. 78670

+1CC to the Special Government Pleader SR.No.78823

W.P.(MD)No.17266 of 2017
13.09.2017

RR

AM/SV MMS/SAR 2/23.10.2017/3P/6C