



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 03.02.2017
CORAM :

WEB COPY

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P(MD)No.1815 of 2017

P.Ramasamy

... Petitioner

vs.

The Regional Transport Officer,
Regional Transport Office,
Karur.

... Respondent

Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the Respondent to return the Petitioner's Driving Licence bearing D.L.No. TN45 1982000 2084 to the petitioner forthwith.

For Petitioner : Ms.P.Kalaiyarasi Bharathi
For Respondent : Mr.K.P.Krishnadass
Government Advocate

ORDER

The prayer in this writ petition is for issuance of a Writ of Mandamus, directing the respondent to return the petitioner's Driving Licence bearing D.L.No. TN45 1982000 2084 to the petitioner forthwith.

2.The petitioner is a Senior Grade Driver working in Tamil Nadu State Transport Corporation(Kumbakonam) Ltd., Manapparai Branch. On 02.11.2016 while he was on duty, he stated to have involved in an accident, in which, one person died and the Motor Vehicle Inspector seized the petitioner's original driving licence. FIR was registered against the petitioner on 02.11.2016 itself and the petitioner requested the respondent to return his driving licence and the same was declined. Hence, this writ petition.

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

'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 respondent is directed to return the original driving licence in D.L.No. TN45-1982000 2084 to the petitioner herein forthwith.

With the above direction, this Writ Petition is disposed of.
No costs.

Sd/-
Assistant Registrar (CS-I)

/TRUE COPY/

Sub Assistant Registrar

To

The Regional Transport Officer,
Regional Transport Office,
Karur.

+1 cc to MR.P.KALAYARASI BHARATHI, ADVOCATE, SR NO:5934
+1cc to M/S.THE SPECIAL GOVERNMENT PLEADER, SR NO: 6303

nbi
SVA/PM/PN/15.02.2017/2P/4C

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