



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.02.2017

CORAM:

WEB COPY

THE HON'BLE MR.JUSTICE S.VAIDYANATHAN

W.P. (MD) No.2094 of 2017

K.Thangaraj

... Petitioner

-vs-

1. The Regional Transport Officer,
Karur District.
2. The Motor Vehicle Inspector,
Manmangalam, Karur District.
3. The Inspector of Police,
Karur Town Police Station,
Karur District.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India for the issuance of a Writ of Mandamus, directing the First Respondent herein to return the petitioner's Driving Licence bearing DL.No.TN-33-19980000220 forthwith.

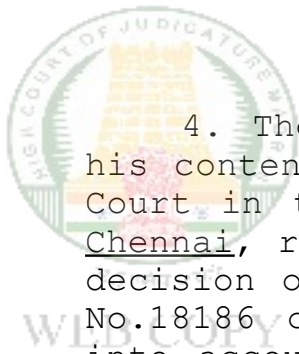
For Petitioner : Mr.Á.C.Asaithambi
For Respondents : Mr.S.Sathish Kumar
Addl. Govt.Pleader

O R D E R

The petitioner has filed this writ petition, seeking to direct the 1st respondent herein to return the petitioner's Driving Licence bearing DL.No.TN-33-19980000220 forthwith.

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

3. Learned counsel for the petitioner submits that though the alleged accident did not happen on account of the mistake committed by the petitioner, who has driven the Tamil Nadu State Transport Corporation bus, Kovai Division, Tiruppur Zone, Tiruppur Branch-1 on 03.01.2017, the licence of the petitioner has been seized by the 3rd respondent and has been handed over the same to the 1st respondent; that though the petitioner has submitted a representation to the 1st respondent for return of the licence, it has not been returned to him. Hence, he has come forward with this writ petition.



4. Though learned counsel for the petitioner, in support of his contention, has heavily relied on a reported judgment of this Court in the case of R.Ravi vs. The Regional Transport Officer, Chennai, reported in 2015 (2) CTC 626, I am inclined to follow the decision of the Hon'ble Justice S.Nagamuthu, rendered in W.P.(MD) No.18186 of 2013 dated 14.11.2013, as the said order has taken into account various provisions of Motor Vehicles Act, 1988. The relevant portion of the order passed by this Court in W.P.(MD) No.18186 of 2013 dated 14.11.2013 is extracted as under:

"5. 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.208/2013 on the file of the Samayapuram Police Station, 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."

5. Considering the fact that the issue involved in the instant case is squarely covered by the decision of this Court in W.P.(MD) No.18186 of 2013 dated 14.11.2013, this Court is also inclined to pass the similar order as under:

"The 1st respondent is directed to return the driving licence of the petitioner bearing No. TN-33-19980000220 to the Investigating Officer in Crime No.12 of 2017 on the file of the Karur Town Police Station, Karur 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."

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

Sd/-

Assistant Registrar(CSIII)

/True Copy/

Sub-Assistant Registrar

To:

1. The Regional Transport Officer, Karur District.
2. The Motor Vehicle Inspector, Manmangalam, Karur District.
3. The Inspector of Police, Karur Town Police Station, Karur District.

+One cc to Mr.A.C.Asaithambi, Advocate, SR.No.11237