



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 19.04.2017

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CORAM :
THE HONOURABLE MR.JUSTICE S.S.SUNDAR

W.P. (MD) .No.5829 of 2017

P.Sugumar

... Petitioner

Vs.

1.The Licencing Authority cum
Regional Transport Officer,
Srirangam,
Trichy District.

2.The Licencing Authority,
Regional Transport Office,
Musiri, Trichy District.

3.The Inspector of Police,
Thathaiyangarpettai Police Station,
Trichy District.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus directing the 1st respondent to return the petitioner's driving licence to him forthwith.

For Petitioner : Mr.A.Rahul

For Respondents : Mr.N.S.Karthikeyan,
Additional Government Pleader.

O R D E R

This Writ Petition has been filed by the petitioner for issuance of a Writ of Mandamus directing the first respondent to return the petitioner's driving licence to him forthwith.

2. The case of the petitioner is that he is the owner of the Driving Licence and permitted to drive heavy passenger vehicles. He was appointed as Driver in Tamil Nadu State Transport Corporation (Salem) Limited at its Namakkal Branch with effect from 03.03.2008. It is contended by the petitioner that his driving licence was seized by the third respondent on 18.02.2017, pursuant to the registration of a criminal case against him, alleging that he was responsible for a road accident which occurred on 17.02.2017. It is the further case of the petitioner that the driving licence which was seized by the third respondent was handed over to the second respondent and in turn the second respondent had handed over the same to the first respondent.



3. It is further contended by the petitioner that under Section 19(1)(c) of the Motor Vehicles Act, the first respondent has no authority to retain the petitioner's driving licence without an enquiry as contemplated under section 19(1)(c) of the Motor Vehicles Act.

4. The learned Counsel for the petitioner relied upon the Judgment of the Honourable Division Bench of this Court in the case of *P. Sethuram v. The Licencing Authority, The Regional Transport Officer, Dindigul* reported in 2010 Writ L.R.100. The Honourable Division Bench after extracting Section 19(1)(c) of the Motor Vehicles Act, in a similar case, directed the respondent to return the driving licence within a period of two weeks from the date of receipt of a copy of this order there in. However, the Honourable Division Bench gave liberty to the respondent to initiate action, if any of the contingency prescribed in the clause (b) to (h) of Sub Section (1) of Section 19 of the Motor Vehicles Act arises. The learned counsel for the petitioner further relied upon another unreported judgment of a learned Single Judge of this Court in W.P.(MD)No.361 of 2017 dated 11.01.2017. In the said case, the learned Single Judge of this Court has referred to an unreported Judgment of this Court in W.P.(MP).No.18186/2013, dated 14.11.2013, wherein in similar Circumstances this Court passed an order as extracted below :-

"The respondent is directed to return the driving licence to the Investigation Officer in Crime No,279 of 2016 on the file of Traffic Investigation Wing-North, Trichy City, who shall, in turn, issue an acknowledgement 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 Motor Vehicles Act and return the licence to the petitioner."

5. The order passed by the Honourable Division Bench on the interpretation of Section 19(1)(c) of the Motor Vehicles Act has to be preferred in the present case, as the petitioner is now out of employment and with holding of Driving Licence without an enquiry has affected the livelihood of petitioner guaranteed under Article 21 of the Constitution of India.

6. Hence this Court is inclined to allow this writ petition. The first respondent is directed to return the licence of the petitioner to the petitioner within a period of two weeks from the date of receipt of copy of this order. However, the first respondent is at liberty to pass any order invoking his power under Section 19(1)(c) of the Motor Vehicles Act, after issuing a show cause notice and following the procedure in accordance with law.



7.As a result this writ petition is allowed. No Costs.

Sd/-
Assistant Registrar(CSIII)

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/True Copy/

Sub-Assistant Registrar

cmr/gsp

To

1.The Licencing Authority cum
Regional Transport Officer,
Srirangam,Trichy District.

2.The Licencing Authority,
Regional Transport Office,
Musiri, Trichy District.

3.The Inspector of Police,
Thathaiyangarpettai Police Station,
Trichy District.

1CC TO MR. A. RAHUL, ADVOCATE SR: 53023

1CC THE SPL GOVT PLEADER SR; 53123

JM SKN RSK

SAR 3

24/01/2017

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