



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 27.04.2017
CORAM

THE HONOURABLE MR.JUSTICE **S.S.SUNDAR**

WEB COPY

W.P.(MD)No.7597 of 2017

A.John Joseph

... Petitioner

Vs.

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

... Respondent

PRAYER: Writ petition is 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.No.TN 37 1990000 0027 to the petitioner forthwith .

For Petitioner	: Mr.S.Prasanth
For Respondent	: Mr.N.S.Karthikeyan
	Additional Government Pleader

O R D E R

This Writ Petition is filed for issuing direction to the respondent to return the Original Driving Licence to the petitioner.

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, 1988.

3. The learned counsel for the petitioner also rely 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 Section 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:-

"A bare reading of Section 19(1) shows that the Licensing Authority has the power to revoke any licence or to suspend the licence of 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 Court is inclined to allow the Writ Petition with a direction to the respondent to return the Original Driving License to the petitioner forthwith. However, this Court preserves liberty to the respondent to proceed under Section 19 of Motor Vehicles Act, 1988.

5. With the above directions, this Writ Petition is disposed of. No Cost.

Sd/-
Assistant Registrar(CS-III)

/True Copy/

Sub Assistant Registrar

To

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

+1cc to M/S.C.PRAKASAM, Advocate SR.No. 54805

W.P. (MD) No. 7597 of 2017
27.04.2017

JM/MMS/SAR 3/17.05.2017/2P/3C