



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 19.01.2017
CORAM :

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

WEB COPY

**W.P(MD)No.819 of 2017
and
WMP(MD)No.666 of 2017**

S.Deivam

... Petitioner

vs.

- 1)The Motor Vehicle Inspector,
Unit Office,
Utthamapalayam,
RTO Complex,
Indira Nagar Bye-Pass Road,
Utthamapalayam,
Theni District-625 533.
- 2)The Regional Transport Officer,
Collector Office Complex,
Near District Employment Office,
Theni-625 531.
- 3)Mr.Maheswaran
Special Sub-Inspector,
Utthamapalayam Police Station,
Bye-Pass Road,
Theni-625 533.
- 4)The Joint Commissioner of Transport,
Pudukulam(North)
Madurai.

... Respondents

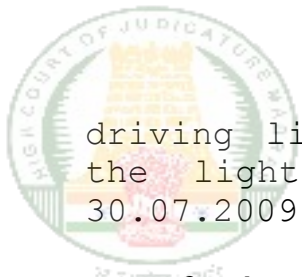
Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the 2nd respondent to return original driving licence in DL No.TN6019940000909, in the light of W.A(MD)No.374 of 2009 dated 30.07.2009.

For Petitioner : Mr.S.Saji Bino
For Respondents : Mr.S.Sathish Kumar
Additional Government Pleader

ORDER

<https://hcservices.ecourts.gov.in/hcservices/>

The prayer in this writ petition is for issuance of a Writ of Mandamus, directing the 2nd respondent to return the original



driving licence in DL No.TN6019940000909, to the petitioner, in the light of the judgment in W.A(MD)No.374 of 2009, dated 30.07.2009.

2.The petitioner is a driver working under the Transport Corporation, Periyakulam Branch. On 28.12.2016 while he was on duty, he involved in an accident and reported the same to the Utthamapalayam Police Station and the 3rd respondent seized the petitioner's original driving licence. Thereafter, FIR was registered against the petitioner and the petitioner requested the 1st respondent to return his 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.It is represented that now the licence is handed over to the 2nd respondent/Regional Transport Officer, Theni. Hence, in the light of the above judgment, the 2nd respondent is directed to return the original driving licence in DL No.TN6019940000909 to the petitioner herein forthwith.

With the above direction, this Writ Petition is disposed of. No costs. Consequently, WMP(MD)No.666 of 2017 is closed.

Sd/-
Assistant Registrar (AS)

/True copy/

Sub Assistant Registrar

To

1)The Motor Vehicle Inspector,
Unit Office, Utthamapalayam,
RTO Complex,
Indira Nagar Bye-Pass Road,
Utthamapalayam,



2) The Regional Transport Officer,
Collector Office Complex,
Near District Employment Office,
Theni-625 531.

3) Mr. Maheswaran,
Special Sub-Inspector,
Utthamapalayam Police Station,
Bye-Pass Road,
Theni-625 533.

4) The Joint Commissioner of Transport,
Pudukulam(North) Madurai.

+1 CC to M/s.SPECIAL GOVERNMENT PLEADER, SR No.3551.

+1 CC to M/s.SAJIBINO, Advocate, SR No.3576.

NBI

PSM/BS-MR/06.02.2017/3P/7C

W.P (MD) No.819 of 2017
19.01.2017