

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.05.2018

CORAM

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

W.P.No.12446 of 2018

I.Senthilkumar ... Petitioner

Vs.

1.The Inspector of Police,
Edapadi Police Station,
Salem District.

2.The Regional Transport Officer,
Sangagiri RTO,
Salem District.

... Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Mandamus, directing the 2nd respondent herein to return petitioner's driving license bearing No.TN27 20020001058 forthwith.

For Petitioner : Mr.A.Ganesan

For Respondents: Mr.M.Elumalai
Government Advocate

O R D E R

The petitioner who was working as a driver in the Transport Corporation was involved in an accident while performing his duty. In the course of investigation, the driving license of the petitioner has been seized and retained by the respondents. The petitioner seeks a Writ of Mandamus directing the 2nd respondent viz., The Regional Transport Officer to return the original driving license to him.

2. The issue is no longer resintegra. It is covered by the decision of the Division Bench in P.Sethuram Vs. The Licensing Authority, The Regional Transport Officer reported in 2010 WritLR 100 and the order of the learned Single Judge in M.Kannan Vs. The Inspector of Police and another in W.P.No.27095 of 2017.

3. In view of the same, the Writ Petition will stand allowed and there will be a direction to the respondents to return the original driving license of the petitioner, within a period of two weeks from the date of receipt of a copy of this order. However, it shall not preclude the respondents from initiating any action, if any of the contingencies specified in Clause (A) to (h) of Section 19(1) of the Motor Vehicles Act, arises later or if any of the Rules as prescribed by the Central Government in pursuance of Section 19(1)(f) of the Act, are violated. No costs.

Sd/-
Assistant Registrar/V.O.(Rules)

//True Copy//

Sub Assistant Registrar

dsa
To

1.The Inspector of Police,
Edapadi Police Station,
Salem District.

2.The Regional Transport Officer,
Sangagiri RTO,
Salem District.

+1 cc to Mr. A. Ganesan, Advocate SR.33657
+1 cc to Mr. Government Pleader Sr.33840

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