

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.05.2018

CORAM

THE HONOURABLE MR. JUSTICE T.RAVINDRAN

W.P.No.12962 of 2018

V.Kannan

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Petitioner

Vs.

1. The Sub-Inspector of Police,
Thusi Police Station,
Tiruvannamalai District.

2. The Motor Vehicle Inspector,
Cheyyar Unit Office (RTO),
Tiruvannamalai District.

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Respondent

Prayer: Writ petition filed under Article 226 of the Constitution of India praying for issuance of writ of Mandamus directing the 2nd respondent to return the petitioner's original Driving Licence bearing No.TN21 1999 0001104 dated 07.04.1999 to the petitioner.

For Petitioner : Mr.S.Sathish Kumar

For Respondents : Mr.M.Elumalai,
Government Advocate

ORDER

Mr.M.Elumalai, learned Government Advocate takes notice on behalf of the respondents. By consent of both sides, the writ petition is taken up for disposal.

2. The writ petition has been laid for a issue of writ of mandamus or any other writ, or direction in the nature of writ directing the 2nd respondent to return the original driving licence bearing No.TN21 1999 0001104 dated 07.04.1999 to the petitioner and pass such further orders as this Hon'ble Court may deem fit.

3. It is found that the petitioner's driving licence No. TN21 1999 0001104 dated 07.04.1999 is seized by the first respondent following the accident, which took place on

02.05.2018 and it is further seen that in respect of the accident, criminal case has been registered in Crime No.300/2018 under Section 279 and 304(A) of Indian Penal Code.

4. According to the petitioner's counsel, the licence issued to him has not been suspended so far, which fact has not been controverted by the counsel for the respondents. In such view of the matter, according to the petitioner's counsel, the respondents cannot retain the driving licence in their custody endlessly and hence, the need for laying the present petition to return the original driving licence.

5. In support of his contention, the petitioner's counsel relied upon the decision of this Court dated 05.01.2018 passed in W.P.No.83 of 2018. This Court, in the abovesaid case in similar situation, has passed an order directing to return the driving license issued to the petitioner therein, by holding that the respondents are not entitled to retain the licence endlessly. Further, insofar as this case is concerned, as contended by the petitioner's counsel, the licence issued to him has not been suspended so far.

6. In view of the above position, following the order passed in W.P.No.83 of 2018 dated 05.01.2018, I am inclined to allow this writ petition and the respondents are hereby directed to return the original driving licence of the petitioner immediately on 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 Clauses (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. The writ petition stands allowed on the above terms. No costs.

Sd/-

Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

sms
To

1. The Sub-Inspector of Police,
Thusi Police Station,
Tiruvannamalai District.

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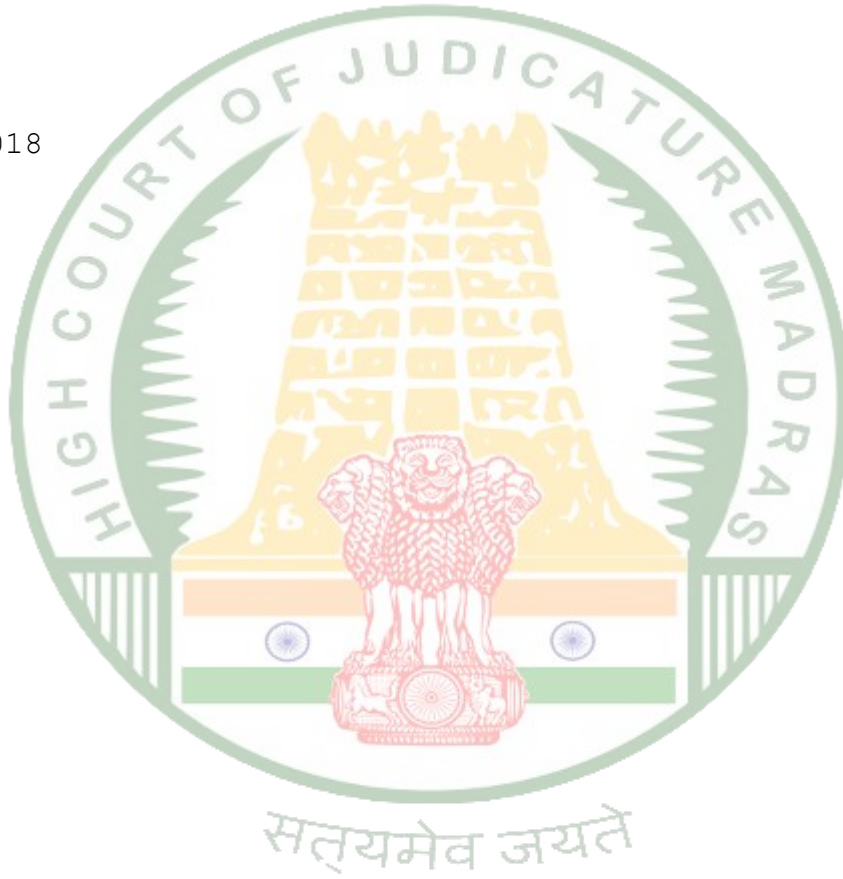
2. The Motor Vehicle Inspector,
Cheyyar Unit Office (RTO),
Tiruvannamalai District.

+1 cc to the Govt Pleader sr 33984

+1 cc to Mr.S.Sathish kumar Advocate sr 34154

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