



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.03.2018

CORAM :

WEB COPY

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P. (MD) .No.4407 of 2018

T.Sivadoss

...Petitioner

Vs.

1. The Regional Transport Officer,
Kumbakonam, Thanjavur District.
2. The Inspector of Police,
Thiruneelakudi Police,
Thiruneelakudi, Thanjavur District.
3. The General Manager,
Tamil Nadu State Transport Corporation,
(Kumabakonam) Limited,
Nagapatinam Region,
Nagapatinam.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the first respondent to return the original Driving License No.TN 04 20000004089 of the petitioner to him forthwith.

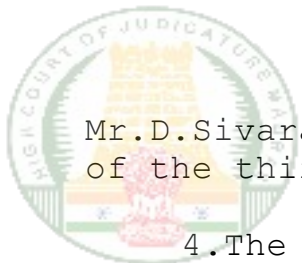
For Petitioner : Mr.G.Karnan
For Respondents : Mr.Jeyakumar for R1 & R2
Additional Government Pleader
: Mr.D.Sivaraman for R3

ORDER

Mr.M.Jeyakumar, learned Additional Government Pleader, takes notice on behalf of the respondents 1 and 2 and Mr.D.Sivaraman, learned Standing counsel, takes notice on behalf of the third respondent.

By consent of both parties, the main Writ Petition itself is taken up for final disposal at the stage of admission.

3.Heard Mr.G.Karnan, learned counsel, appearing for the petitioner and Mr.M.Jeyakumar, learned Additional Government Pleader, takes notice on behalf of the respondents 1 and 2 and



Mr.D.Sivaraman, learned Standing counsel, takes notice on behalf of the third respondent.

4.The petitioner is employed as a Driver in the third respondent/Corporation. The bus in which he was driving, got involved in an accident on 24.12.2017. In this regard, Crime No.256 of 2017, was registered, on the file of the second respondent/Police. Final report is yet to be filed. The criminal Court is yet to pronounce in guilt or otherwise of the petitioner. But in the meanwhile, the petitioner's driving license was seized by the second respondent and handed over to the first respondent. Proceedings for impounding are yet to take place. This Court in the decision reported in (2015) 2 CTC 626 -(R.Ravi Vs. The Regional Transport Officer, Transport Department) held that such retaining of the original driving license is not permissible in law.

5.Therefore, the first respondent is directed to return the petitioner's original driving license to the petitioner forthwith.

6.The Writ Petition is allowed accordingly. No costs.

Sd/-

Assistant Registrar(W)

/True copy/

Sub Assistant Registrar

To

1. The Regional Transport Officer,
Kumbakonam, Thanjavur District.
2. The Inspector of Police,
Thiruneelakudi Police,
Thiruneelakudi, Thanjavur District.

- +1. CC to M/S.G.KARNAN, Advocate SR.No.52533
- +1. CC to M/S.D.SIVARAMAN, Advocate SR.No.52531
- +1. CC to Special Government Pleader, SR.No. 53343

W.P. (MD) .No.4407 of 2018
02.03.2018

tsg

MKV-PM-PN-SAR 2/8.3.2018/2P-6C