

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT****DATED: 20.03.2018****CORAM:****THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN****W.P. (MD)No.5791 of 2018**

S.Mahatheven

... Petitioner

-Vs-

1. The Regional Transport Officer (Madurai North),
The Regional Transport Office (Madurai North),
Madurai.

2. The Regional Transport Officer (Madurai South),
The Regional Transport Office (Madurai South),
Madurai.

...Respondents

PRAYER:Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the respondents to return the petitioner's original driving license bearing No.TN-58-20040006880 within a stipulated time that may be fixed by this Court.

For Petitioner : Mr.J.Selvam

For Respondents : Mrs.S.Srimathy

Special Government Pleader.

ORDER

Mrs.S.Srimathy, learned Special Government Pleader, takes notice for the respondents.

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

3.The petitioner is employed as a Driver in the Checkanoorani Depot of Tamil Nadu State Transport Corporation. On the basis of the complaint given by one Sivakumar, the Inspector of Police, Kadupatty Police Station, Madurai District, registered a case in Crime No.23 of 2018 dated 19.02.2018 for the offences under Sections 279 and 337 IPC., against one Vijakuamar. Though the petitioner's name did not find place in the said First Information Report, his license was impounded by the respondents, since he happened to be the driver of the bus involved in the accident.



4.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.

4.This Court therefore directs the respondents to return the petitioner's original driving license forthwith.

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

Sd/-

Assistant Registrar(co)

/True Copy/

Sub Assistant Registrar

To

1. The Regional Transport Officer (Madurai North),
The Regional Transport Office (Madurai North),
Madurai.

2. The Regional Transport Officer (Madurai South),
The Regional Transport Office (Madurai South),
Madurai.

+1cc to The Spl. Government Pleader Sr.No.56927

+1cc to Mr.J.Selvam, Advocate Sr.No.56635

TSG

VB/SV/MMS/SAR1/13.04.2018/2P/5C

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