



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.03.2018

CORAM :

WEB COPY

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD).No.6612 of 2018

S.Malarpandi

...Petitioner

Vs.

The Regional Transport Officer,
Regional Transport Office (Madurai-South),
Palanganatham, Madurai.

... Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondent to return the driving license of the petitioner bearing D.L.No. TN58-19940004501 forthwith.

For Petitioner : Mr.S.Arunachalam

For Respondent : Mr.J.Gunaseelan Muthiah
Additional Government Pleader

ORDER

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

2.Mr.J.Gunaseelan Muthiah, learned Additional Government Pleader, takes notice on behalf of the respondent.

3.The petitioner is employed as a Driver. The bus in which the petitioner was driving got involved in an accident on 10.03.2018. In this regard, Crime No.55 of 2018, was registered on the file of the Madurai Traffic Investigation Wing-III Police Station. The petitioner's Driving License has also been seized by the respondent. The Criminal Court is yet to pronounce its verdict on the guilt or otherwise of the petitioner. 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.

4.Therefore, the respondent is directed to return the petitioner's original Driving License immediately to the petitioner.



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

Sd/-
Assistant Registrar(CO)

/True copy/

Sub Assistant Registrar

To

The Regional Transport Officer,
Regional Transport Office (Madurai-South),
Palanganatham, Madurai.

+1CC TO SPECIAL GOVERNMENT PLEADER, SR NO.58943
+1CC TO M/S.S.ARUNACHALAM, ADVOCATE, SR NO.58666

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tsg

MS/SV-MMS/SAR-1/03.04.2018/2P.4C