



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 31.07.2018

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WEB COPY

THE HONOURABLE MR.JUSTICE M.GOVINDARAJ

W.P.(MD) No.14816 of 2018

G.Durairaj

... Petitioner

Vs.

1.The Regional Transport Officer,
Regional Transport Office, Pudukkottai District.

2.The Road Transport Inspector,
Unit Office of the Assistant Registering Officer,
Alangudi, Pudukkottai District.

3.The Inspector of Police,
Karambakudi Police Station,
Karambakudi, Pudukkottai District,
In Crime No.106/2018.

...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 Heavy Transport Passenger Vehicle Driving Licence bearing Serial No.T.N.5519960001658 by considering the petitioner's representation dated 07.06.2018, forthwith, in order to enable the petitioner to join duty.

For Petitioner : Mr.N.Ananthapadmanabhan For
Mr.APN Law Associates,

For Respondents : Mr.A.Muthukaruppan,
Additional Government Pleader.

ORDER

The petitioner is a driver working in Tamil Nadu State Transport Corporation (Kumbakonam) Limited from the year 2007. On 03.06.2018, while he was driving the bus belonging to the Corporation, an accident had happened due to the negligence of the driver of a Two Wheeler bearing registration No. TN-55-AM-0628. A First Information Report was registered in Crime No.106 of 2018 for an offence under Section 304(A) (Two counts) of the Indian Penal Code and the same is pending. The Police had seized the driving licence and handed over to the Motor Vehicle Inspector, who, in turn, forwarded the same to the respondent. Therefore, the present Writ Petition is filed for a direction, directing the respondent to



return the driving licence to the petitioner.

2. On instructions, the learned Additional Government Pleader appearing for the respondents would submit that the licence was forwarded to the second respondent, but, so far, no action has been taken by him.

3. I have considered the submissions made on either side.

4. The admitted fact is that there was an accident involving the vehicle driven by the petitioner. The negligence of the petitioner is yet to be proved. As per Section 19 of the Motor Vehicles Act, 1988, the Licensing Authority is empowered to disqualify the licence holder or revoke the licence. As per Sub-Section (1) of Section 19, such power can be exercised only after giving an opportunity of hearing to the licence holder. As per Section 206 of the Motor Vehicles Act, 1988, the police officer has the power to impound document. As per Sub-Section (2) of Section 206, the police officer or other person authorised in this behalf by the State Government is empowered to seize the licence held by such driver and forward it to the Court taking cognizance of the offence and the said Court shall on the first appearance of such driver before it, return the licence to him in exchange for the temporary acknowledgement given under Sub-Section (3). As per Sub-Section (3) of Section 206, the police officer shall give to the person surrendering the licence a temporary acknowledgement therefor and such acknowledgement shall authorise the holder to drive until the licence has been returned to him or until such date as may be specified therein.

5. In view of Section 206 of the Motor Vehicles Act, 1988, the police officer ought to have forwarded the licence to the Jurisdictional Magistrate, before whom, the petitioner can seek return of licence. But, in the instant case, the police officer concerned has handed over the licence to the Motor Vehicle Inspector, who, in turn, forwarded the same to the respondent.

6. In such circumstances, this Court directs the second respondent to forward the licence to the Jurisdictional Magistrate and the petitioner is entitled to file an application for return of driving licence.

7. The Writ Petition is disposed of with the above direction. No costs.

Sd/-

Assistant Registrar (AE)

/True Copy/

Sub Assistant Registrar (CS-I)



To

1.The Regional Transport Officer,
Regional Transport Office,
Pudukkottai District.

2.The Road Transport Inspector,
Unit Office of the Assistant Registering Officer,
Alangudi, Pudukkottai District.

3.The Inspector of Police,
Karambakudi Police Station,
Karambakudi,
Pudukkottai District.

+1CC to M/s.APN LAW ASSOCIATES IN SR.No.75839.

+1CC to SPECIAL GOVERNMENT PLEADER IN SR.No.76394.

CM

DS/SKN-RSK/SAR-1 :01.08.2018: 3P/6C

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31.07.2018