



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.07.2018

CORAM:

THE HONOURABLE MR.JUSTICE M.GOVINDARAJ

W.P. (MD) No.16284 of 2018

WEB COPY

K.Nallasamy

: Petitioner

Vs.

The Regional Transport Officer,
The Regional Transport Office,
Dindigul.

: Respondent

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the respondent to return the driving license of the petitioner bearing TN 60-19890000268 to the petitioner forthwith.

For Petitioner

: Mr.S.Arunachalam

For Respondent

: Mr.A.Muthukaruppan,

Additional Government Pleader

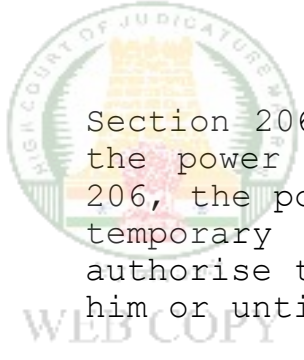
ORDER

The petitioner is a driver working in Tamil Nadu State Transport Corporation (Madurai) Limited from 01.07.2009. On 15.07.2018, while he was driving the bus belonging to the Corporation, an accident had happened due to the negligence of the rider of two wheeler. A First Information Report was registered in Crime No.435 of 2018 for offences under Sections 279 and 304(A) 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 respondent would submit that the licence was forwarded to the 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 (3) of Section 206, the police officer seizing a licence shall give to the person 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 by the police officer.

5. The statutory provisions referred to above clearly show that the licence cannot be impounded or revoked or suspended by the Licensing Authority, namely, the respondent herein, without initiating any proceedings. The licensee is entitled to drive the vehicle till such an order is passed under Section 19 of the Motor Vehicles Act, 1988.

6. In the instant case, it is seen that the licence was seized by the police officer, but, no acknowledgement was issued by him authorizing the petitioner to drive the vehicle. The respondent has also not initiated any action for suspension or revocation of licence. In such circumstances, the respondent cannot impound the licence without following the requirements laid down under Section 19 of the Motor Vehicles Act, 1988. Therefore, the respondent is directed to return the driving licence bearing TN 60-19890000268 to the petitioner forthwith, on receipt of a copy of this order.

7. The Writ Petition is ordered accordingly. No costs.

Sd/

Assistant Registrar (CO)

/True copy/

Sub Assistant Registrar(CS-IV)

To
The Regional Transport Officer,
The Regional Transport Office,
Dindigul.

+1cc to Mr.S.Arunachalam, Advocate, SR.No. 74998

W.P (MD) No.16284 of 2018
25.07.2018

SML
KK/SV/SAR-4/31.07.2018/2P-3C/