



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 27.07.2018
CORAM:

THE HONOURABLE MR.JUSTICE M.GOVINDARAJ

WEB COPY

W.P. (MD) No.16497 of 2018

G.Ganesamoorthy

: Petitioner

Vs.

The Regional Transport Officer,
The Regional Transport Office,
Ramanathapuram.

: 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 65-19840000598 to the petitioner forthwith.

For Petitioner

: Mr.S.Arunachalam

For Respondent

: Mr.A.Muthukaruppan,

Additional Government Pleader

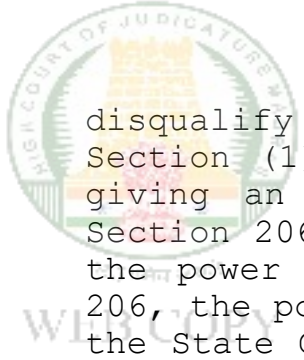
ORDER

The petitioner is a driver working in Tamil Nadu State Transport Corporation (Kumbakonam) Limited from 15.07.1996. On 11.07.2018, while he was driving the bus belonging to the Corporation, an accident had happened due to the negligence of the passenger, who attempted to board into the running bus. A First Information Report was registered in Crime No.187 of 2018 for an offence under Section 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 (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 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 (T&P)

/True Copy/

Sub Assistant Registrar(CS-II)

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

+1CC to Mr.S.Arunachalam Advocate in SR.No.75588.

+1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No.75645.

SML

DS/RP/SAR-2 :06.08.2018: 2P/4C

<https://hcservices.ecourts.gov.in/hcservices/>

Order made in
W.P (MD) No.16497 of 2018
27.07.2018