



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.07.2018

CORAM:

THE HONOURABLE MR.JUSTICE M.GOVINDARAJ

WEB COPY

W.P. (MD) No.16559 of 2018

and

W.M.P. (MD) .No.14656 of 2018

Kanakkamanayakkan

.. Petitioner

Vs.

1.The Regional Transport Officer,
Regional Transport Office,
Alampatti, Thirumangalam,
Madurai District.

2.The Regional Manager,
Tamil Nadu State Transport Corporation,
Bye Pass Road,
Madurai.

3.The General Manager,
Tamil Nadu State Transport Corporation,
Bye Pass Road,
Madurai.

4.The Regional Transport Officer,
Regional Transport Office,
Dharapuram,
Tiruppur District.

5.The Inspector of Police,
Kundadam Police Station,
Tiruppur District.

.. Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the 1st respondent to return the original license by considering the petitioner's representation dated 15.06.2018 within a stipulated time.

For Petitioner
For Respondents

: Mr.S.Muniyandi
: Mrs.J.Padmavathi Devi
Special Government Pleader



Transport Corporation (Madurai) Limited. While driving the vehicle bearing Registration No.TN-58-N-2356, an accident had happened, in which a two wheeler succumbed to the injuries. The fifth respondent registered a case in Crime No.149 of 2018 for the offences under Sections 279 and 304-A IPC against the petitioner and seized the original driving license of the petitioner. The employer put the petitioner under suspension. The petitioner made a representation to the first respondent for return of the license on 15.06.2018. According to the petitioner, now the respondents 2 and 3 have revoked the suspension imposed on him. But, for want of original driving license, they have not given any duty to him. Since he ekes out his livelihood only through his employment and since the first respondent has not considered his representation, dated 15.06.2018 for return of license, the petitioner has filed the present Writ Petition seeking a direction for return of the original license by considering his representation dated 15.06.2018.

2. The learned Special Government Pleader appearing for the respondents, on instructions, would submit that the fourth respondent has received a recommendation sent by the fifth respondent Police to suspend the license. But, he has not received the original license from the fifth respondent.

3. Heard the submissions of the learned counsel for the parties.

4. It is well settled that as per Sub-sections (1) to (3) of Section 206 of the Motor Vehicles Act, 1988, any Police Officer or any other person authorized in this behalf by the State Government may, if he has reason to believe that any person or driver or person in charge of the motor vehicle produced a false document, like license, permit, certificate of registration, certificate of insurance, seize the document. If there is any reason to believe that the driver concerned will abscond or otherwise avoid service of summons may seize of the license held by such driver and forward the same to the Court for taking cognizance of the offence. The Court shall, on the first appearance of the driver before it, return the license to him in exchange for the temporary acknowledgement given under Sub-section 3 of Section 206 of the Motor Vehicles Act. As per Sub-section 3 of Section 206 of the Motor Vehicles Act, the Police Officer or person authorised shall give a temporary acknowledgement on surrender of license and such acknowledgment shall authorise him to drive the vehicle upto a specific period or until the license is returned to him.

5. In similar circumstances, a learned Single Judge of this Court in W.P.(MD)No.18186 of 2013, vide order dated 14.11.2013, has observed in paragraph No.17 as under:

"17.In view of the said conclusion, I hold that the action of the respondent in retaining the license is illegal. At the same time, since, in the present case, license was seized by the police, it is for the licensing authority to return the



license to the police investigating the criminal case forthwith. On getting the driving license of the petitioner, the investigation officer shall issue acknowledgement, as provided in sub-section 3 of Section 206 of the Motor Vehicles Act and then, produce the license before the jurisdictional Magistrate. The jurisdictional Magistrate shall thereafter return the license to the petitioner as provided in Section 206(1) of the Motor Vehicles Act. On such return of the license to the petitioner, the petitioner shall execute a bond to the satisfaction of the jurisdictional Magistrate undertaking to produce the license, as and when required by the Court."

6. Therefore, it is mandatory, on surrender of licence, the fifth respondent shall forward the license to the Jurisdictional Magistrate. The petitioner is entitled to file an application for return of licence. If it is ordered, the fifth respondent/Inspector of Police, Kundadam Police Station, shall give a temporary acknowledgement, authorizing the driver to drive the vehicle until the specific date or until the licence is returned.

7. Insofar as the fourth respondent is concerned, it is categorically stated that he has not received the original driving licence and that he has not taken any action nor passed any order for suspension or revocation or disqualifying the petitioner from driving the vehicle.

8. In such circumstances, a direction is issued to the fifth respondent to forward the original driving license of the petitioner to the jurisdictional Magistrate Court, so as to enable the petitioner to make an application for return of driving license, within a period of one week from the date of receipt of a copy of this order.

9. With the above direction, this Writ Petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/
Assistant Registrar (CO)

/True copy/

Sub Assistant Registrar (CS-IV)

To
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5.The Inspector of Police,
Kundadam Police Station,
Tiruppur District.

+1cc to Mr.S.Muniyandi, Advocate, SR.No. 75712

+1cc to M/s.Special Government Pleader,SR.No. 75763

W.P. (MD) No.16559 of 2018
30.07.2018

GCG
KK/SKN RSK/SAR-4/10.08.2018/4P-8C/