



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.08.2018

CORAM:

**THE HONOURABLE MR. JUSTICE M. GOVINDARAJ**

W.P. (MD) No. 17486 of 2018

K. Easwaran

... Petitioner

/vs./

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

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to direct the respondent to return the driving licence of the petitioner bearing D.L.No.TN58-20000000966 forthwith.

For Petitioner : Mr.S.Arunachalam

For Respondent : Mr.S.Dhayalan  
Government Advocate

### O R D E R

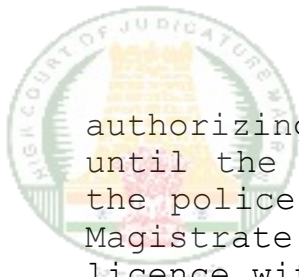
This writ petition has been filed for return of the original driving licence of the petitioner from the respondent.

2. According to the petitioner, he is a driver employed in Tamil Nadu State Transport Corporation. On 16.07.2018, while he was driving a bus bearing Registration No.TN 58 N 1599, an accident had happened. Pursuant to the accident, police have registered an FIR in Crime No.336 of 2018 under Section 304(A) IPC and seized the licence and forwarded the same to the respondent. The petitioner made a representation to the respondent for return of licence on 26.07.2018. But, the respondent neither has returned the licence nor passed any orders in accordance with law. Therefore, the present writ petition has been filed.

3. It is well settled that when an accident had taken place, police-in-charge is entitled to seize the licence and forward to the jurisdictional Magistrate for proceedings.

4. In the instant case, the licence has been forwarded to the respondent and the respondent is empowered under Section 19 of the Motor Vehicle Act, 1988 to disqualify or revoke the licence. But, until such action is taken in accordance with law, he cannot return the licence.

5. As per Section 206 of the Act, the police officer, if, comes to a conclusion that there is a probability that the driver may abscond or avoid service of summons, shall seize the licence and forward the same to the jurisdictional Magistrate. The licensee, during his appearance, file an application for return of licence. If the application is ordered in favour of the licensee, he is entitled to get temporary acknowledgment from the police officer for



authorizing to drive the vehicle, till the date specified therein or until the licence is returned. Therefore, proper procedure is that the police officer has to forward the licence to the Jurisdictional Magistrate. On the other hand, the respondent is retaining the licence with him.

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6. In such circumstances, a direction is issued to the respondent to return the licence to the concerned police Officer. On receipt of the same, the police Officer shall forward the same to the jurisdictional Magistrate. The petitioner can file an application for return of licence before the learned Magistrate.

7. With the above directions, this writ petition is disposed of. No costs.

Sd/-

Assistant Registrar (RTI)

/True Copy/

Sub Assistant Registrar (CS-I)

To:

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

+1CC to Mr.S.Arunachalam, Advocate in Sr.No.77207.  
+1CC to Special Government Pleader in Sr.No.77268.

SM/TK

DS SKN SAR-1 ;29.08.2018; 2P/4C

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