



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.11.2018

CORAM:

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

W.P(MD)No.22500 of 2018

P.Sivasubramanian

.. Petitioner

Vs.

1.The Licensing Authority,
Regional Transport Officer,
Madurai South,
Madurai.

2.The Motor Vehicle Inspector,
Regional Transport Office,
Transport Department,
Madurai.

3.The Inspector of Police,
M.Chathrapatti Police Station,
M.Chathrapatti,
Madurai.

.. Respondents

PRAYER: Writ Petition has been filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus to direct the respondent to return the driving license bearing D.L.No.TN-60-19950000319 to the petitioner within a stipulated time.

For Petitioner : Mr.A.Rahul

For respondents : Mr.A.Thiyagarajan,
Government Advocate

ORDER

This writ petition has been filed by the petitioner for issuance of a Writ of Mandamus, to direct the respondents herein to return the original driving license of the petitioner bearing D.L.No.TN-60-19950000319 within a stipulated time.

2. The petitioner is working as a driver in the Tamil Nadu State Transport Corporation Limited. On 24.10.2018, while he was driving a bus bearing Registration No.TN-58-N-2018, there was an accident in which a two-wheeler rider and pillion rider died. In this regard, a case was registered in Crime No.138 of 2018



under Sections 279 and 304(A) IPC. Pending investigation, the original Driving License of the petitioner was seized by the Police, who in turn forwarded the same to the 2nd respondent. The 2nd respondent handed over the same to the 1st respondent. According to the petitioner, the 1st respondents has no authority to keep the license of the petitioner without issuing any show cause notice and passing any final order under Section 19 of the Motor Vehicles Act and therefore, he has filed this writ petition for the above said prayer.

3. Heard the learned counsel appearing for both sides.

4. Considering the facts and circumstances of the case, this Court, without going into the merits of the case, directs the petitioner to submit a representation to the first respondent seeking to return the driving license within a period of one week from the date of receipt of a copy of this order and on receipt of such representation, the first respondent shall consider the same in the light of the decision of a Division Bench of this Court in **W.A. (MD) .No.176 of 2009, (S.Murugesan Vs. the Licensing Authority, the Regional Transport Officer, Srirangam, Trichy), dated 22.06.2009** and dispose of the same on merits and in accordance with law, within a period of one week thereafter.

5. This Writ Petition stands disposed of accordingly. No costs.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

Sub Assistant Registrar (CS-III)

To

1.The Licensing Authority,
Regional Transport Officer,
Madurai South,
Madurai.

2.The Motor Vehicle Inspector,
Regional Transport Office,
Transport Department,
Madurai.



3. The Inspector of Police,
M.Chathrapatti Police Station,
M.Chathrapatti,
Madurai.

Order made in
W.P (MD) No. 22500 of 2018
02.11.2018

GCG
TR/SKN-RSK/SAR-III (02.11.2018) 3P 4C