



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 21.12.2018

CORAM :

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

WEB COPY

W.P(MD)No.25415 of 2018

R.Saravanan

... Petitioner

Vs.

1.The Regional Transport Officer,
Office of the RTO,
Dindigul District.

2.The General Manager,
Cumbum Depot,
Tamil Nadu Transport Corporation Ltd.,
Theni District.

3.The Inspector of Police,
Sempatti Police Station,
Sempatti,
Dindigul District.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, to direct the first respondent to hand over the petitioner's li cense on the basis of the petitioner's representation dated 13.12.2018 within that may be stipulated by this Court.

For Petitioner : Mr.A.Rajaram

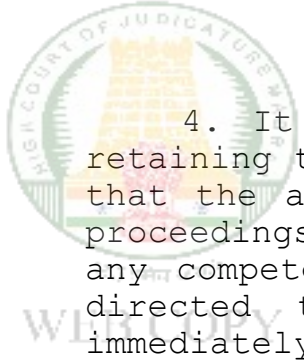
For Respondents : Mr.K.Mu.Muthu
Additional Government Pleader

ORDER

By consent of both parties, this Writ Petition is taken up for final disposal at the admission stage itself.

2. Mr.K.Mu.Muthur, learned Additional Government Pleader takes notice on behalf of the respondents.

3. The petitioner is employed as a driver in TNSTC, Theni Division. On 04.11.2018 the petitioner's bus met with an accident. Crime No.313 of 2018 has been registered on the file of Sempatti Police Station under Sections 279, 337, 338 and 304A IPC. The third respondent has seized the petitioner's original driving license. Seeking its return, this Writ Petition has been filed.



4. It has been held by this Court in several decisions that retaining the original driving license is not permissible in law and that the authority will have to await the outcome of the criminal proceedings. As on date the petitioner has not been found guilty by any competent Criminal Court. Therefore, the first respondent is directed to return the petitioner's original driving license immediately, in any event, within a period of one week from the date of receipt of a copy of this order.

5. With the above direction, this Writ Petition is allowed. No costs.

Sd/-
Assistant Registrar(AS)

/True Copy/

Sub Assistant Registrar(CS-IV)

To

- 1.The Regional Transport Officer,
Office of the RTO,
Dindigul District.
- 2.The General Manager,
Cumbum Depot,
Tamil Nadu Transport Corporation Ltd.,
Theni District.
- 3.The Inspector of Police,
Sempatti Police Station,
Sempatti,
Dindigul District.

+1CC to Mr.A.AJaram, Advocate, SR.No.101581

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RMK
ES/SKN/RSK/SAR 4/21.12.2018/2P/5C