



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 20.11.2018

CORAM :

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THE HONOURABLE **MR. JUSTICE G.R. SWAMINATHAN**

W.P(MD)No.23046 of 2018

V.Sekar

... Petitioner

Vs.

The Regional Transport Officer,
The Regional Transport Office,
Pudukkottai.

... Respondent

PRAYER : Writ Petition 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 of the petitioner bearing D.L.No.TN 63-19880000026 forthwith.

For Petitioner : Mr.S.Arunachalam

For Respondent : Mr.Aayiram K.Selvakumar
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.Aayiram K.Selvakumar, learned Additional Government Pleader takes notice on behalf of the respondent.

3. The petitioner is employed as a driver in TNSTC (Kumbakonam) Limited. On 03.11.2018 the petitioner's bus met with an accident. Crime No.69 of 2018 has been registered on the file of Panayapatti Police Station under Section 304 (A) IPC. The 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 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(CO)

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/True Copy/

Sub Assistant Registrar(CS-II)

To

The Regional Transport Officer,
The Regional Transport Office,
Pudukkottai.

+1cc to Mr.S.Arunachalam, Advocate Sr.No.96251

+1cc to Spl.Government Pleader Sr.No.96312

RMK

VB/SV/SAR1/23.11.2018/2P/4C

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