



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.11.2018

CORAM :

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

WEB COPY

W.P. (MD) No.23800 of 2018

P.Sellapandiyan

... Petitioner

/Vs./

The Regional Transport Officer,
The Regional Transport Office,
Srirangam, Trichy.

... Respondent

Prayer: Writ Petition - filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondent to return the driving license of the petitioner bearing D.L.No.TN45-19830002916 to the petitioner forthwith.

For Petitioner : Mr.S.Arunachalam

For Respondent : Mr.K.Mu.Muthu

Additional Government Pleader

ORDER

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

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

3. The petitioner is employed as a Driver in that Tamil Nadu State Transport Corporation (Kovai) Limited. The bus in which the petitioner was driving got involved in an accident on 15.10.2018. In this regard, Crime No.276 of 2018 was registered on the file of the Samayapuram Police Station. The petitioner's driving licence was also seized by the respondent. The Criminal Court is yet to pronounce its verdict on the guilt or otherwise of the petitioner. Proceedings for impounding are yet to take place. This Court in the decision reported in (2015) 2 CTC 626 - (R.Ravi Vs. The Regional Transport Officer, Transport Department) held that such retaining of the original driving license is not permissible in law.

4. Therefore, the respondent is directed to return the petitioner's original driving licence immediately to the petitioner.

5. The writ petition is allowed accordingly. No costs.

Sd/

Assistant Registrar (CO)

/True copy/

Sub Assistant Registrar (CS-IV)



To
The Regional Transport Officer,
The Regional Transport Office, Srirangam, Trichy.

+1cc to Mr.S.Arunachalam, Advocate, SR.No. 98072
+1cc to M/s.Special Government Pleader, SR.No.98102

Order made in
W.P. (MD) No.23800 of 2018

SM
KK/PM/SAR-4/07.12.2018/2P-4C