



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

RESERVED ON : 10.09.2018

PRONOUNCED ON : 24.09.2018

CORAM:

**THE HONOURABLE MRS.JUSTICE J.NISHA BANU**

**W.P(MD)No.18660 of 2018**

T.Janakiraman

.. Petitioner

Vs.

1.The Inspector of Police,  
K.Pudupatty Police Station,  
Pudukkottai District,  
Pudukkottai.

2.The Licensing Authority Cum  
Regional Transport Officer,  
Pudukkottai.

.. Respondents

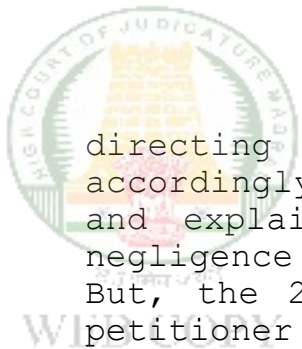
**PRAYER:** Writ Petition has been filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus to direct the second respondent herein to return the original Driving License (D.L.No.TN-65-19780001331) to the petitioner forthwith.

For Petitioner : Mr.T.Padmanabhan  
For Respondents : Mr.D.Muruganandham,  
Addl. Government Pleader

### **ORDER**

This writ petition has been filed by the petitioner for issuance of a Writ of Mandamus, to direct the second respondent herein to return the original Driving Licence of the petitioner forthwith

2. The petitioner is working as a driver in a Private Transport Company. On 19.07.2018, while he was driving a bus bearing Registration No.TN-63-AS-8613, there was an accident in which, a motor cycle rider sustained injuries. In this regard, a case was registered against the petitioner in Cr.No.74 of 2018 under Sections 279 and 337 I.P.C. Pending investigation, the original Driving Licence of the petitioner was seized by the Police, who in turn forwarded the same to the 2<sup>nd</sup> respondent. On 30.07.2018, the second respondent issued show cause notice



directing the petitioner to appear before him on 13.08.2018 and accordingly, the petitioner appeared before the second respondent and explained that the accident had not occurred due to his negligence and requested to return the original Driving Licence. But, the 2<sup>nd</sup> respondent did not return the licence. Hence, the petitioner filed the present for the above said relief.

3. Heard the learned counsel appearing for both sides and perused the records carefully.

4. When the similar issue came up for consideration, a learned Single Judge of this Court has held in the decision reported in **2018(1) TLNJ 181 (Criminal) (M.Ravi Vs. The Transport Commissioner, Chepauk, Chennai)** as follows:

"4. The petitioner is a driver in the Metropolitan Transport Corporation, Chennai. It is stated that the petitioner's driving licence was seized, in pursuant to an accident taken place on 09.01.2018 and followed by the registration of FIR in Crime No.4 of 2018 under Section 304(A) of IPC and Section 184 of the Motor Vehicles Act. Now the petitioner seeks for return of the driving licence by contending that the respondents 1 to 4 are not entitled to seize and retain the driving licence, simply because a criminal case is filed against the petitioner and the same is pending.

5. The learned counsel appearing for the petitioner invited the attention of this Court to the Division Bench decision of this Court reported in **2010 Writ L.r. 100 (P.Sethuram Vs. the Licensing Authority, the Regional Transport Officer, the Regional Transport Office, Dindigul)** and a single Judge decision made in W.P.No.16958/2013, dated 01.07.2013, reported in **2013 Writ L.R. 843 (S.Draivelu Vs. the Regional Transport Officer, West Thambaram, Chennai and two others)**, wherein, this Court has considered a similar issue and found that even the suspension of the license on the ground that a criminal case is pending, is erroneous. I myself followed the above decisions in similar cases, wherein licence was suspended. Hence, I do not think that the respondents 1 to 4 are justified in retaining the driving license of the petitioner.

6. Accordingly, the writ petition is allowed and the respondents 1 to 4 are directed to return the driving license of the petitioner immediately on receipt of a copy of this order.



However, it shall not preclude the respondents from initiating any action, if any of the contingencies specified in clauses (a) to (h) of Section 19(1) of the Motor Vehicles Act, arises later or if any of the Rules as prescribed by the Central Government in pursuance of Section 19(1) (f) of the Act, are violated."

5. The above decision is squarely applicable to this case. Following the same, there shall be a direction to the 2<sup>nd</sup> respondent to return the driving license of the petitioner immediately on receipt of a copy of this order. However, it shall not preclude the respondents from initiating any action, if any of the contingencies specified in clauses (a) to (h) of Section 19(1) of the Motor Vehicles Act, arises later or if any of the Rules as prescribed by the Central Government in pursuance of Section 19(1) (f) of the Act, are violated.

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

Sd/-

Assistant Registrar (CS-I)

// True Copy //

Sub Assistant Registrar(CS-I)

To

1.The Inspector of Police,  
K.Pudupatty Police Station,  
Pudukkottai District,  
Pudukkottai.

2.The Licensing Authority Cum  
Regional Transport Officer,  
Pudukkottai.

+1 CC To MR.T.Padmanabhan, Advocate SR. NO. 85965

Order made in  
W.P(MD)No.18660 of 2018  
24.09.2018

GCG

TR/RP/SAR-I (24.09.2018) 3P 4C