



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.01.2018

CORAM :

WEB COPY

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

WP(MD)No.24190 of 2017

L.Bommu Raj

... Petitioner

Vs.

1. The District Collector,
Office of the Collectorate,
Theni District.
2. The Regional Transport Officer,
Office of the RTO, Theni District.
3. The Manager, Dindigul Zone,
Tamil Nadu Transport Corporation Ltd,
Dindigul.
4. The Inspector of Police,
Veerapandi Police Station,
Theni District.
In Crime No.497/2017

... Respondents

Prayer: This Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the second respondent to handover the license to the petitioner on the basis of the petitioner's representation dated 12.12.2017.

For petitioner	: Mr.A.Rajaram
For Respondents	: Mr.Gunaseelan Muthaiah Government Advocate for RR1,2 and 4

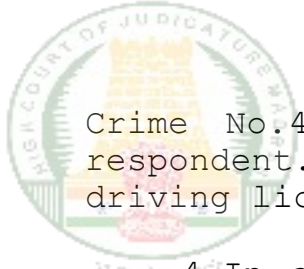
O R D E R

Mr.Gunaseelan Muthaiah, learned Government Advocate takes notice for the respondents 1, 2 and 4. Considering the nature of the relief sought for by the writ petitioner in this writ petition, notice to the third respondent is dispensed with.

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

<https://hcservices.ecourts.gov.in/hcservices/>

3.The petitioner herein is working as Government bus Driver. The bus which he was driving met with an accident on 26.11.2017.



Crime No.479 of 2017 was registered on the file of the third respondent. During the process of investigation, the original driving license was seized by the second respondent herein.

4. In a decision reported in **2011 2 CTC 171 (P.Anandarajan Vs. The Regional Transport Officer)** this Court had held that without initiation of appropriate proceedings, the licensing authority has no power to retain or impound the driving license merely because the bus in question was involved in an accident. In this view of the matter, the second respondent is directed to return the original driving license of the writ petitioner forthwith.

5. Accordingly, this writ petition is allowed. No costs.

Sd/-

Assistant Registrar (CO)

/True Copy/

Sub Assistant Registrar

To

1. The District Collector,
Office of the Collectorate,
Theni District.
 2. The Regional Transport Officer,
Office of the RTO, Theni District.
 3. The Manager, Dindigul Zone,
Tamil Nadu Transport Corporation Ltd,
Dindigul.
 4. The Inspector of Police,
Veerapandi Police Station,
Theni District.
- + 1 CC TO Mr.A.RAJARAM, ADVOCATE IN SR No. 40016
+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No. 40136

SKM

TE/SKN-RSK/SAR-4 : 05/01/2018 : 2P/7C

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