



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.05.2019

CORAM:

THE HONOURABLE MRS.JUSTICE R.HEMALATHA

W.P. (MD) No.12311 of 2019

and

W.M.P. (MD) No.9210 of 2019

N.Murugesan

... Petitioner

Vs.

1.The Regional Transport Officer,
Regional Transport Office,
Madurai North,
Madurai.

2.The Inspector of Police,
Samayanallur Police Station,
Madurai District.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the respondents to return the driving license No.TN 01 1984 0008241 to the petitioner.

For Petitioner
For Respondents

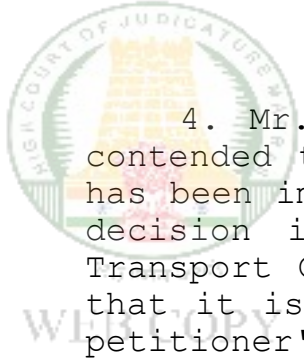
: Mr.K.Sathish
: Mr.D.Muruganantham
Additional Government Pleader

O R D E R

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

2. Mr.N.Shanmuga Selvam, learned Additional Government Pleader takes notice on behalf of the respondents.

3. The writ petitioner is working as a driver in Tamil Nadu State Transport Corporation (Madurai) Limited, Madurai Division, Pudukulam Branch. The bus bearing registration No.TN 58-N-2360 belonging to the Tamil Nadu State Transport Corporation was driven by him on 30.03.2019. At about 4.45 p.m., when the bus was nearing Madurai-Dindigul Highway, a two-wheeler hit the bus as a result of which, the rider of the two-wheeler fell down and died. The Inspector of Police, Samyanallur Police Station, Madurai district registered a case against the writ petitioner in Crime No.89 of 2019 for the alleged offences punishable under Section 279, 337 and 304 of IPC. The case is still under investigation.



4. Mr.K.Sathish, learned counsel appearing for the petitioner contended that the original driving licence of the writ petitioner has been impounded by the first respondent. He also relied on the decision in Mr.P.Sethuram Vs. the Licensing Authority, Regional Transport Officer, Dindigul reported in 2010 WLR 100 and contended that it is only the competent criminal Court that can impound the petitioner's driving license and that it is not open to the first respondent herein to do so.

5. Mr.N.Shanmuga Selvam, learned Additional Government Pleader appearing for the respondents would contend that as per Section 19 of the Motor Vehicles Act, 1988 the licensing authority has the power to disqualify a driver from holding a driving licence or revoke such licence, if the licensing authority is satisfied, after giving the holder of a driving licence an opportunity of being heard that he is using or has used a motor vehicle in the commission of a cognizable offence. He would further contend that the enquiry would be conducted within a reasonable time after giving due opportunity to the writ petitioner and prayed for the dismissal of the present petition.

6. As per the decision in P.Sethuram Vs. the Licensing Authority, Regional Transport Officer, Dindigul reported in 2010 WLR 100 followed by a Single Bench of this Court in W.P(MD)No.338 of 2019, dated 07.01.2019 it has been held that the competent criminal Court alone can impound the petitioner's driving licence and that the Regional Transport Officer cannot impound the same unless the petitioner is found guilty of the offence alleged to have been committed by him.

7. In this case, the final report has not yet been filed and it is still under investigation. In the facts and circumstances of the case, the first respondent is directed to return the petitioner's original driving licence within a period of two weeks from the date of receipt of a copy of this order. The petitioner is also directed to co-operate with the enquiry which would be conducted by the respondents under Section 19(1) of the Motor Vehicles Act, 1988.

8. With the above directions, the writ petition is allowed. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Vacation Officer

// True Copy //

Sub Assistant Registrar(CS)



To

1.The Regional Transport Officer,
Regional Transport Office,
Madurai North,
Madurai.

2.The Inspector of Police,
Samayanallur Police Station,
Madurai District.

+1 CC to M/s.P.BALASUBRAMANIAN, Advocate (SR-66208[F] dated
22/05/2019)

W.P. (MD) No.12311 of 2019

and

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CS: (07/06/2019) 3P 4C