



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.07.2019

CORAM

THE HON'BLE MR.JUSTICE R.SURESH KUMARW.P.(MD)No.14952 of 2019

M.Pandiaraja

... Petitioner

-Vs-

The Regional Transport Officer,
Madurai (South),
Bye-Pass Road, Madurai-16.

... Respondent

Prayer: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Mandamus, to direct the respondent to return the petitioner's original driving license bearing No.TN 60 19920000807 forthwith to the petitioner.

For Petitioner : Mr.J.Selvam
For Respondent : Mr.R.Murugan
Additional Government Pleader

ORDER

The petitioner's driving license bearing registration No.TN 60 19920000807 has been impounded by the respondent/Regional Transport Officer on the ground that the petitioner was involved in a fatal accident and in this regard, First Information Report has been filed in Crime No.109 of 2019 on the file of the Inspector of Police , Uthamapalayam Police Station on 06.06.2019 and in order to get back the said driving license, the petitioner has filed this writ petition with the aforesaid prayer.

2.I have heard the learned counsel appearing for the petitioner and the learned Additional Government Pleader appearing for the respondent.

3.Both the learned counsel submitted that, the issue raised in this writ petition is no more *res integra* and if at all, the transport authority wants to have a driving license, they can retain only a copy of the driving license and the original can be returned back to the license holder and this issue has already been decided in a number of writ petitions.

4.I have an occasion to consider the similar issue in W.P(MD). No.27827 of 2017 in the matter of A.Venkatesan Vs., the Regional Transport Officer, by order dated 17.02.2017, wherein I have passed the following order :-

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

11. In view of the settled legal position, as has been made in the said Division Bench judgment in 2010 WLR



100 cited supra, the respondent does not have the authority to retain the original driving license of the petitioner, even before conclusion of any criminal case, as the petitioner has not been declared guilty by a competent Court of law. Therefore, the said principle, as has been laid down in the judgment cited supra, can be squarely applied to the present facts of the case and in view of the same, the petitioner shall be entitled to get back his original driving license from the respondent.

12. In the result, the following direction is given in the writ petition:

The respondent, on production of a copy of this order, shall return the original driving license bearing No. D.L.No.TN.69 1992000002314/1/1992 to the petitioner forthwith and on receipt of the same, the petitioner shall report for training, as has been directed by his employer at IRT, Gummidipoondi, immediately, thereafter.

13. With the above direction, the writ petition is disposed of. No costs."

5. In that view of the matter, I am of the view that the prayer sought for in this writ petition can also be considered in favour of the petitioner. In the result, there shall be a direction to the respondent that the original driving license bearing registration No. TN 60 19920000807 of the petitioner shall be given back to the petitioner, after getting necessary copy of the same. But an undertaking affidavit to be submitted by the petitioner in this regard to produce the original as to when required before the concerned authority. No costs.

Sd/-

Assistant Registrar(CS-III)

// True Copy //

Sub Assistant Registrar(CS)

rmk

To

The Regional Transport Officer,
Madurai (South), Bye-Pass Road, Madurai-16.

+1CC TO MR.J.SELVAM, Advocate Sr. No. 73679

+1CC TO THE SPECIAL GOVERNMENT PLEADER SR.No.73914

W.P.(MD)No.14952 of 2019

SE(CO)

TR (13.08.2019) 2P 4C