



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.11.2019

CORAM:

THE HONOURABLE MR.JUSTICE M.GOVINDARAJ

W.P. (MD)No.18155 of 2019

K.Kumar

: Petitioner

Vs.

1.The Regional Transport Officer,
Office of the RTO,
Theni District.

2.The Branch Manager,
Theni Depot,
Tamil Nadu Transport Corporation Ltd.,
Theni District.

3.The Inspector of Police,
Vandalur Police Station,
Vandalur,
Madurai District.

: Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, to direct the first respondent to hand over the petitioner's driving license on the basis of the petitioner's representation dated 02.08.2019, within the time stipulated by this Court.

For Petitioner : Mr.A.Rajaram

For Respondents 1&3 : Mrs.J.Padmavathi Devi,
Special Government Pleader

For Respondent No.2 : Mr.J.Senthil Kumaraiah

ORDER

The petitioner is employed as a driver under the Tamil Nadu State Transport Corporation, Theni Division. On 19.07.2019, while he was driving the bus bearing Registration No.TN-57-N-1855 from Madurai to Bodinayakkanur, a person suddenly crossed the National Highway and fell in front of the bus. Immediately, the petitioner stopped the bus and arranged it for 108 ambulance and sent the victim to the hospital. In that accident, an FIR was lodged in Crime No.96 of 2019 dated 19.07.2019 and the petitioner's licence was



seized. Therefore, the petitioner is before this Court seeking return of driving licence.

2. Heard both sides.

3. The first respondent filed a counter-affidavit stating that the Regional Transport Officer -cum- Licensing Authority, Madurai (South), by order dated 31.07.2019, disqualified the petitioner's driving licence for a period of three months from 24.07.2019 to 23.10.2019 and in order to give effect to the said order, the first respondent is keeping the licence.

4. In reply, the learned counsel appearing for the petitioner would submit that before passing the order disqualifying the licence, opportunity of personal hearing was not provided to the petitioner.

5. It is well settled that before impounding the licence and before initiating an order under Section 19(1) of the Motor Vehicles Act, 1988, the Licensing Authority has no power to impound the licence, as held by a Division Bench of this Court, in P.Sethuram v. The Licensing Authority, The Regional Transport Officer, Dindigul, reported in 2010 Writ L.R. 100.

6. Considering the facts and circumstances of the case and also taking into consideration the judgment of the Division Bench of this Court in P.Sethuram's case referred to supra, a direction is issued to the first respondent - Regional Transport Officer, Theni District, to return the original driving licence to the petitioner forthwith, on receipt of a copy of this order.

7. In fine, this Writ Petition is ordered accordingly. No costs.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

Sub Assistant Registrar(CS)

SML

To

1.The Regional Transport Officer,
Office of the RTO,
Theni District.



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

WEB COPY

+1 CC to M/s.A. RAJARAM, Advocate (SR-97465[F] dated 12/11/2019)

+1 CC to M/s.SPL GP (SR-97768[F] dated 12/11/2019)

+1 CC to M/s.J. SENTHIL KUMARAI AH, Advocate (SR-98007[F] dated
13/11/2019)

Order made in
W.P.(MD)No.18155 of 2019
Dated: 11.11.2019

JMN(13.11.2019) 3P : 6C