



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.11.2019

CORAM:

THE HONOURABLE MR.JUSTICE M.GOVINDARAJ

W.P (MD) No.21316 of 2019

A.Raja : Petitioner

Vs.

The Regional Transport Officer,
The Regional Transport Office,
Pirattiyur,
Trichy. : Respondent

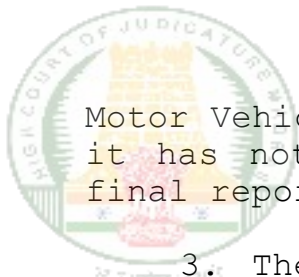
PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, directing the respondent to return the driving license of the petitioner bearing D.L.No.TN 45 - 20030012097 to the petitioner forthwith.

For Petitioner : Mr.S.Arunachalam
For Respondent : Mrs.J.Padmavathi Devi,
Special Government Pleader

ORDER

The petitioner is employed as a driver in private vehicles. On 19.08.2019, he was allotted with the work in a lorry bearing Registration No.TN 47 AD 0817. However, he came to know that an FIR was lodged against him in Crime No.292 of 2019 by the Thiruverambur Wing Police Station-South alleging that he was involved in an accident that had taken place on 20.08.2019 near Thiruverambur in Trichy - Thanjavur Highway. It is stated by the petitioner that the original licence was seized by the Police Officer concerned and handed over to the Motor Vehicle Inspector, who, in turn, gave to the respondent. The petitioner made a representation dated 20.09.2019 to the respondent for return of the original licence. Since the respondent has not returned the licence, the petitioner is before this Court.

2. The learned Counsel for the petitioner would vehemently contend that the respondent has no authority to impound the driving licence even before passing the orders under Section 19(1) of the



Motor Vehicles Act, 1988. Insofar as the criminal case is concerned, it has not reached finality and it is in the initial stage. The final report has not also been filed.

3. The respondent has filed a counter-affidavit stating that the licence of the petitioner was seized and forwarded to the Regional Transport Authority, for taking action under Section 19(1) (c) of the Motor Vehicles Act, 1988.

4. It is settled law that until the licence or any certificate issued by the competent authority is cancelled or suspended or revoked in the manner known to law, it is deemed to be in force. The impounding of licence will come only after passing of the order as per the relevant provisions of the statute, in this case, under Section 19 of the Motor Vehicles Act, 1988.

5. In similar circumstances, 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***, held that even before passing the order under Section 19 of the Motor Vehicles Act, 1988, if driving licence is impounded, it amounts to pre-determination of the issue and the authority has no jurisdiction to do so.

6. I do also respectfully agree with the views of the Division Bench of this Court and in the instant case, the respondent has no power to impound the driving licence of the petitioner and retain it with him. The petitioner is a driver and he is entitled to use the licence till it is legally cancelled or suspended.

7. In such circumstances, a direction is issued to the respondent - Regional Transport Officer, Regional Transport Office, Pirattiyur, Trichy, to return the original driving licence bearing D.L.No.TN 45 - 20030012097 to the petitioner **forthwith**, on receipt of a copy of this order.

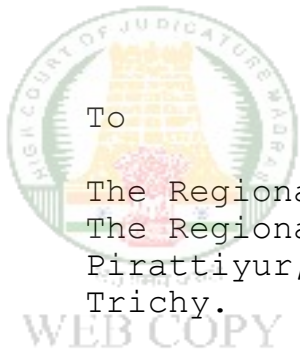
8. In fine, this Writ Petition is ordered accordingly. No costs.

Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar(CS)



To

The Regional Transport Officer,
The Regional Transport Office,
Pirattiyur,
Trichy.

+1 CC to M/s.S. ARUNACHALAM, Advocate (SR-97537[F] dated 12/11/2019)

+1 CC to M/s.SPL GP (SR-97727[F] dated 12/11/2019)

Order made in
W.P (MD) No.21316 of 2019

_KK/SAR/14.11.2019/3P-4C/