



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.11.2019

CORAM:

THE HONOURABLE MR.JUSTICE M.GOVINDARAJ

WEB COPY

W.P (MD) No.22750 of 2019

and

W.M.P. (MD) No.19504 of 2019

D.Kathiresan : Petitioner

Vs.

1.The Licensing Authority/
Regional Transport Officer,
Madurai North,
Madurai.

2.The Inspector of Police,
Samayanallur Police Station,
Samayanallur,
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 respondents to return the petitioner's original driving license bearing DL.No.TN59 19930000459 to the petitioner within a time limit that may be fixed by this Court.

For Petitioner	: Mr.A.Rahul
For Respondents	: Mr.M.Rajarajan
	Government Advocate

ORDER

The present Writ Petition has been filed seeking a Writ of Mandamus, directing the first respondent to return the petitioner's original driving licence bearing DL.No. TN59 19930000459 to the petitioner, within the time stipulated by this Court.

2. Heard both sides.

3. The petitioner is a driver in the Transport Corporation. While driving a bus bearing Registration No.TN-58-N-2299, he met with an accident. In view of this committal of accident using the heavy vehicle, the police have seized the licence and forwarded the same to the first respondent for action. Aggrieved over the seizure of licence, the petitioner is before this Court seeking

<https://hcmca.courtserviceltd.com>



4. Pending Writ Petition, the first respondent issued a letter in கு.க.எண்.56054/A4/2019, dated 20.09.2019, wherein he has called for explanation from the petitioner. Even though the letter is said to have been acknowledged by the petitioner, the learned counsel appearing for the petitioner submits that it has not been served on the petitioner and the signature is not that of the petitioner. However, today, notice is served on the learned counsel for the petitioner by the learned Government Advocate appearing for the respondents.

5. In view of the above, let the notice dated 20.09.2019 be treated as a show cause notice and the petitioner is directed to submit his objections. It is for the first respondent to proceed with the action under Section 19(1) of the Motor Vehicles Act, 1988.

6. However, 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***, has found that impounding licence even before taking action under Section 19(1) is illegal and would amount to pre-determination of the issue.

7. In that view of the matter, the first respondent is directed to return the licence to the petitioner. After the order is passed under Section 19(1) of the Motor Vehicles Act, 1988, it is open to the first respondent to take appropriate action for seizing the licence.

8. The Writ Petition is disposed of with the above direction. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

Sub Assistant Registrar (CS)

NS
To

1.The Licensing Authority/
Regional Transport Officer,
Madurai North,
Madurai.



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

+1 CC to M/s.A.RAHUL, Advocate (SR-100330[F] dated 21/11/2019)

+1 CC to M/s.SPL GP (SR-100374[F] dated 21/11/2019)

Order made in
W.P (MD) No.22750 of 2019

Dated: **20.11.2019**

KM/ (25.11.2019) 3P 5C