



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.11.2019

CORAM:

THE HONOURABLE MR.JUSTICE M.GOVINDARAJ

W.P(MD)No.23100 of 2019

and

W.M.P. (MD)No.19829 of 2019

M.Amulraj : Petitioner

Vs.

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

2.The Inspector of Police,
Traffic Investigation Wing-III,
Thideer Nagar,
Madurai City,
(Cr.No.209 of 2019).

: Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, directing the first respondent to return the petitioner's original driving licence bearing DL.No.TN 58 19940005029 to the petitioner, within the time stipulated by this Court.

For Petitioner : Mr.A.Rahul

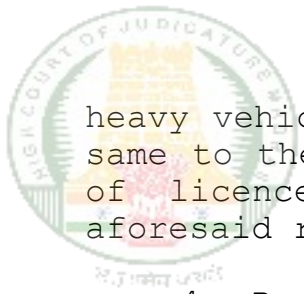
For Respondents : Mrs.J.Padmavathi Devi,
Special Government Pleader

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.TN 58 19940005029 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-67-N-0348, 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 the aforesaid relief.

4. Pending Writ Petition, the first respondent issued a show cause notice in Memo No.30764/A4/2019, dated 05.11.2019, 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 Special Government Pleader appearing for the respondents.

5. In view of the above, let the notice dated 05.11.2019 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-III)

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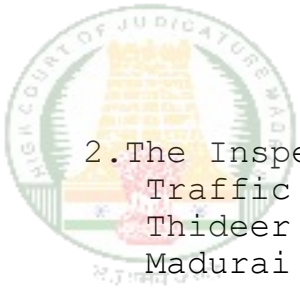
Sub Assistant Registrar(CS)

SML

To

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

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



2.The Inspector of Police,
Traffic Investigation Wing-III,
Thideer Nagar,
Madurai City.

+1 CC to M/s.A.RAHUL, Advocate (SR-99071[F] dated 18/11/2019)

+1 CC to M/s.GP (SR-99573[F] dated 19/11/2019)

Order made in
W.P(MD)No.23100 of 2019
Dated: **18.11.2019**

JMN(19.11.2019) 3P : 5C