



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : **25.11.2019**

CORAM:

THE HONOURABLE MR. JUSTICE M.GOVINDARAJ
W.P. (MD)No.24286 of 2019

WEB COPY

A.Tamilselvan : Petitioner
Vs.

1.The Regional Transport Officer,
The Regional Transport Office,
Aravind Vaniga Valagam,
Dindigul Road,
Palani - 624 601.

2.The Regional Transport Officer,
Regional Transport Unit Office,
485/F/8, Kairasi Nagar,
Back Side of Reliance Petrol Bunk,
Palani Main Road,
Oddanchattram,
Dindigul District.

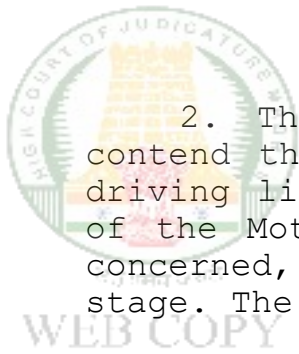
: Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, directing the respondents to return the petitioner's original Driving Licence bearing No.TN57 20060003985 to the Petitioner forthwith.

For Petitioner	: Mr.C.Prakasam
For Respondents	: Mr.J.Gunaseela Muthaiah Additional Government Pleader

ORDER

The petitioner is employed as a driver in a private concern namely Mayilmurugan Bus Service, Dindigul. On 04.09.2019, while he was driving a bus bearing Registration No.TN 57 BA 3777, there was an accident in which, two persons came in a two wheeler died and one person got injured. First Information Report was filed in Crime No.145 of 2019 and a case was registered against the petitioner under Sections 279, 337 and 304(ii) I.P.C. It is stated by the petitioner that the original licence was seized by the Inspector of Police, Chathirapatti Police Station while registering the First Information Report and it was forwarded to the first respondent. The petitioner made a representation dated 23.09.2019 to the first respondent for return of the original licence. Since the first respondent has not returned the licence, the petitioner is before this Court.



2. The learned Counsel for the petitioner would vehemently contend that the first 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. From the submissions made by the learned Additional Government Pleader appearing for the respondents, it is noted that the original driving licence of the petitioner is now in possession of the first respondent.

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 first 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 first respondent - Regional Transport Officer, Regional Transport Office, Palani, Dindigul District, to return the original driving licence bearing D.L.No. TN57 20060003985 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)



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+1 CC to MR.C. PRAKASAM, Advocate (SR-101168[F] dated 26/11/2019)
+1 CC to SPL GP (SR-101477[F] dated 26/11/2019)

Order made in
W.P. (MD) No.24286 of 2019
Dated:25.11.2019

MK (11.12.2019) 3P 5C