



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.11.2019

CORAM:

THE HONOURABLE MR.JUSTICE M.GOVINDARAJ

WEB COPY

W.P. (MD) No.24795 of 2019

K.Krishnan

... Petitioner

vs.

1.The Regional Transport Officer,
Regional Transport Office,
No.126, Old Dindigul Road,
Near Collectorate,
Karur.

2.The Regional Transport Officer,
Regional Transport Unit Office,
No.5, Karur Main Road,
Aravakurichi
Karur District.

3.The Inspector of Police,
Aravakurichi Police Station,
Aravakurichi
Karur District.

... Respondents

PRAYER:

Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the 1st respondent to return the petitioner's original Driving Licence Bearing No.TN47 19850001095 to the petitioner forthwith.

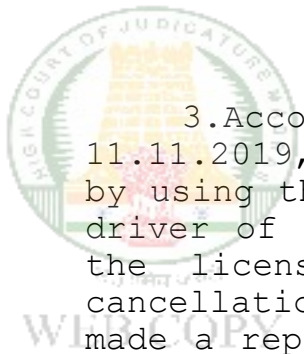
For Petitioner : Mr.S.Prasanth

For Respondents : Mrs.J.Padmavathy Devi
Special Govt. Pleader

O R D E R

Mrs.J.Padmavathy Devi, learned Special Government Pleader takes notice on behalf of the respondents.

2.This writ petition has been filed for issuance of a direction, directing the 1st respondent to return the petitioner's original Driving Licence Bearing No.TN47 19850001095 to the petitioner forthwith.



3. According to the petitioner, for an accident that happened on 11.11.2019, an F.I.R was filed against him for causing that accident by using the bus bearing Regn.No.TN-45-N-3695. The petitioner is a driver of the State Transport Corporation. The police have seized the license bearing No.TN47 19850001095 and recommended for cancellation of the same to the first respondent. The petitioner made a representation on 13.11.2019 to the first respondent. But, no action has been taken by him. Hence, he has come forward with this writ petition.

4. It is well-settled that as per the judgment of **Sethuraman v. Regional Transport Officer** reported in **2010 WLR 100**, license cannot be impounded before passing orders under Section 19 of the Motor Vehicles Act, 1988 (hereinafter referred as Act). If at all the first respondent is proposed to take action against the petitioner for disqualification under Section 19(1) of the Act, he is free to take such action, but he cannot impound the license without passing orders.

5. In that view of the matter, the first respondent is directed to return the original Driving License Bearing No.TN47 19850001095 to the petitioner forthwith. However, it is always open to him to pass appropriate orders under Section 19(1) of the Act. In the event of show-cause notice being issued by the first respondent, the petitioner shall file his explanation within a period of two weeks and orders shall be passed within a further period of two weeks.

6. With this observation, this writ petition is ordered. No costs.

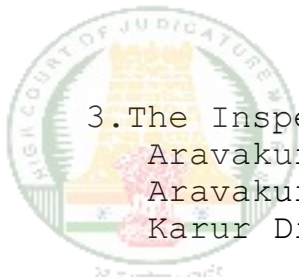
Sd/-
Assistant Registrar(AS)

/TRUE COPY/

Sub Assistant Registrar

To

1. The Regional Transport Officer,
Regional Transport Office,
No.126, Old Dindigul Road,
Near Collectorate,
Karur.
2. The Regional Transport Officer,
Regional Transport Unit Office,
No.5, Karur Main Road,
Aravakurichi
Karur District.



3.The Inspector of Police,
Aravakurichi Police Station,
Aravakurichi
Karur District.

+1 CC to M/s.SPL GP (SR-100918[F] dated 25/11/2019)

+1 CC to M/s.C. PRAKASAM, Advocate (SR-100821[F] dated 25/11/2019)

W.P. (MD) No.24795 of 2019
22.11.2019

vs

JM/26.11.2019/3P/6C