



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.11.2019

CORAM:

THE HONOURABLE MR.JUSTICE M.GOVINDARAJ

W.P. (MD) No.24870 of 2019

WEB COPY

P.Kanagaraj

... Petitioner

vs.

1.The Inspector of Police,
B1 Town Police Station,
Ramanathapuram, Ramnad District,
Ramnad District.

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

... Respondents

PRAYER:

Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents to return the original driving license of the petitioner bearing No.TN 47 19810001238 immediately on the basis of the legal notice dated 08.04.2019.

For Petitioner : Mr.K.Suresh

For Respondents : Mr.M.Rajarajan

Government Advocate

O R D E R

Mr.M.Rajarajan, learned Government Advocate takes notice on behalf of the respondents.

2.This writ petition has been filed for issuance of a direction, directing the respondents to return the original driving license of the petitioner bearing No.TN 47 19810001238 immediately on the basis of the legal notice dated 08.04.2019.

3.According to the petitioner, he is a driver of the lorry bearing Regn.No.TN-57-AF-8286. On 10.08.2018, while he was driving the lorry by taking a load of iron rods, the first respondent intercepted the vehicle and issued a notice for violating the provisions of Section 113 r/w 194 of Motor Vehicles Act, 1988 (hereinafter referred as Act). The first respondent police have seized the driving license of the petitioner bearing No.TN47 19810001238 and imposed a fine of Rs.2,000/-. The petitioner abide



by the same. However, without returning the license, the first respondent has forwarded the same to the Regional Transport Officer, Ramnad.

4.The grievance of the petitioner is that the license was issued by the second respondent, whereas it was returned to the Regional Transport Officer, Ramnad, who has no jurisdiction in this issue. Therefore, he seeks return of Driving License.

5.The learned Government Advocate appearing for the respondents would submit that Driving License was handed over to the Regional Transport Officer, Ramnad on 21.08.2018. Till date, according to the petitioner, no proceedings were initiated by the Regional Transport Officer, Ramnad.

6.I heard the submissions of both sides.

7.Admittedly, for an offence of 'overloading', the petitioner was charged and fine was also paid. If at all the first respondent is proposed to take action, as per Section 19(1) of the Act, he should have forwarded the license to the Regional Transport Officer, Karur, who has issued the license. But, without taking any action, Regional Transport Officer, Ramnad as well as Karur cannot impound the license. From 21.08.2018 till date, license has been impounded.

8.This Court in the judgment of **Sethuraman v. Regional Transport Officer** reported in **2010 WLR 100**, has held that license cannot be impounded before passing orders under Section 19(1) of the Act.

9.In that view of the matter, a direction is issued to the Regional Transport Officer, Ramnad to return the original Driving License Bearing No.TN47 19810001238 to the petitioner forthwith. If at all any action is to be taken, the Regional Transport Officer, Karur is at liberty to take appropriate action under Section 19(1) of the Act. The order passed in the writ petition will not stand in the way of taking action under Section 19(1) of the Motor Vehicles Act, 1988.

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

Sd/-

Assistant Registrar (CS-II)

// True Copy //

Sub Assistant Registrar(CS)



To

1.The Inspector of Police,
B1 Town Police Station,
Ramanathapuram,
Ramnad District,
Ramnad District.

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

3.The Regional Transport Officer,
Karur.

4. The Regional Transport Office,
Ramanathapuram.

+1 CC to M/s.K. SURESH, Advocate (SR-101431[F] dated 26/11/2019)

+1 CC to M/s.Special Government Pleader (SR-101960[F] 27/11/2019)

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Vs

SDS (12.12.2019) 3P 7C