



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: **06.12.2019**

CORAM:

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA
W.P(MD)No.26024 of 2019

WEB COPY

A.Pothiraj

... Petitioner

Vs.

1.The Regional Transport Officer,
Regional Transport Office,
Srivilliputhur,
Virudhunagar - District.

2.The Inspector of Police,
Seithur Police Station,
Seithur,
Rajapalayam - Taluk,
Virudhunagar District.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the 1st respondent to return the driving licence of the petitioner bearing D.L.No.TN 59-19910004962 forthwith.

For Petitioner : Mr.S.Arunachalam
For Respondents : Mr.M.Murugan,
Government Advocate

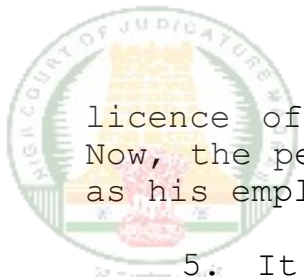
ORDER

Mr.M.Murugan, learned Government Advocate takes notice for the respondents.

2. By consent, the writ petition is taken up for disposal at the admission stage itself.

3. This Writ petition has been filed by the petitioner praying for issuance of a Writ of Mandamus, directing the first respondent to return the driving licence of the petitioner bearing D.L.No.TN 59-19910004962 forthwith.

4. This writ petition is filed by a Driver of the respondent Transport Corporation, who had involved in an accident occurred on 15.11.2019 resulting in a death of a person and an F.I.R was also registered in Crime No.194 of 2019 on the file of Seithur Police Station, for the offence under Sections 279 and 304(A) of I.P.C. The petitioner was arrayed as the accused and it is alleged that he has caused the accident. In the meanwhile, on 17.11.2019, the



licence of the petitioner was impounded by the first respondent. Now, the petitioner has come to this Court for return of his licence as his employment itself is a Driver.

5. It is submitted by the learned Government Advocate that Section 19(1) of the Motor Vehicles Act, 1988, empowers the licensing authority to disqualify a person for holding or obtaining any driving licence for a specified period or to revoke any licence if any of the contingencies prescribed in Clause 'a' to 'h' of sub-section (1) of Section 19 of the Act, arises. Such provision can be invoked only after giving opportunity of being heard to the holder of the licence and the reasons have to be recorded in writing.

6. In this case, though a memorandum No.30760/Aa4/2019, dated 27.11.2019 is produced, contending that the notice for impounding the licence has been issued to the petitioner, there is no evidence for having served the said memorandum on the petitioner. Therefore, it is clear that the driving licence was retained without an order in writing or without affording an opportunity of having heard to the petitioner. The act of the respondents is in clear violation of the provisions of the statute.

7. In similar circumstances, a Division Bench of this Court has also permitted the holder of the licence to get back his licence in W.A(MD)No.176 of 2009, vide judgment dated 22.06.2019. Extending the same principle, the writ petition is allowed. The respondent is directed to return the licence of the petitioner bearing D.L.No.TN 59-19910004962, within a week from the date of receipt of a copy of this order. No Costs.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

Sub Assistant Registrar(CS)

pm

To:

1.The Regional Transport Officer,
Regional Transport Office,
Srivilliputhur,
Virudhunagar - District.

2.The Inspector of Police,
Seithur Police Station,
Seithur, Rajapalayam - Taluk,
Virudhunagar District.

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



W.P(MD)No.26024 of 2019

+1 CC to Mr.S.ARUNACHALAM, Advocate (SR-103952[F] dated 09/12/2019)
+1 CC to SPL.GP (SR-103980[F] dated 09/12/2019)

WEB COPY

W.P(MD)No.26024 of 2019
06.12.2019

MK (26.12.2019) 3P 5C