



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **20.12.2019**

CORAM:

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THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA

W.P. (MD)No.27121 of 2019

P.Balakrishnan

: Petitioner

Vs.

1.The Licensing Authority,
Regional Transport Officer,
Alampatti, Thirumangalam,
Madurai.

2.The Inspector of Police,
Thirumangalam Town Police Station,
Madurai 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 first respondent to return the petitioner's original driving licence bearing DL.No.TN58 19940005377 to the petitioner, within the time stipulated by this Court.

For Petitioner

: Mr.A.MU.Sharavanan

For Respondents

: Mrs.J.Padmavathi Devi,
Special Government Pleader

ORDER

Mrs.J.Padmavathi Devi, learned Special Government Pleader 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 petitioner's original driving licence bearing DL.No.TN58 19940005377 to the petitioner.



4. The case of the petitioner is that he is employed as a Driver in the Tamil Nadu State Transport Corporation Ltd., Thirumangalam Branch. On 27.10.2019, while he was driving a bus bearing Registration No.TN 58 BZ 1834 TVS XL, there was an accident, but there was no damage on both sides. However, a case in Crime No.560 of 2019 was registered against the petitioner for the offence under Sections 279, 304(A) of I.P.C. It is stated by the petitioner that the original licence was seized by the respondents. Therefore, the petitioner made a representation dated 09.12.2019 to the respondents for return of the original licence. Since the respondents have not returned the licence, the petitioner is before this Court.

5. 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.

6. From the submissions made by the learned Special 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.

7. 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.

8. 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.

9. 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.

10. In such circumstances, a direction is issued to the first respondent - the Licensing Authority, Regional Transport Officer, Alampatti, Thirumangalam, to return the original driving licence bearing DL.No.TN58 19940005377 to the petitioner **forthwith**, on receipt of a copy of this order.



With the above direction, this Writ Petition is disposed of. No costs.

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// True Copy //

Sd/-

Assistant Registrar (AS)

Sub Assistant Registrar(CS)

pm

To

- 1.The Licensing Authority,
Regional Transport Officer,
Alampatti, Thirumangalam,
Madurai.
- 2.The Inspector of Police,
Thirumangalam Town Police Station,
Madurai District.

+1 CC to SPL.GP (SR-106504[F] dated 27/12/2019)

Order made in

W.P. (MD) No.27121 of 2019

20.12.2019

VB(31.12.2019) 3P 4C