

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.08.2020

CORAM:

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.No.10739 of 2020

S.Manivel

... Petitioner

Vs.

1.The Sub Inspector of Police
Mecheri Police Station,
Salem District, Salem.

2.The Licensing Authority Cum Regional
Transport Officer,
Kallakurichi (UO),
Kallakurichi.

... Respondents

PRAYER: Writ Petition filed under Article 226 of Constitution of India, seeking Writ of Mandamus, directing the respondents herein to return the Original Driving License (DL.No.TN 32 Z 1999 0001429) to the petitioner herein forthwith and pass orders.

For Petitioner : Mr.T.Padmanabhan
For Respondents : Mr.Aruldoss,
Government Advocate.

ORDER

This writ petition has been filed for the issue of writ of Mandamus directing the respondents to return the Original Driving License to the petitioner.

2.The case of the petitioner is that he was working as a driver in a Private Transport Company and he was holding a driving license issued by the second respondent. The petitioner was driving the vehicle from Mettur to Thoothukudi on 16.03.2020. The vehicle was intercepted by the first respondent within the limit of Mecheri and the petitioner was found to be in an inebriated state and therefore, the first respondent proceeded to seize the driving license from the petitioner. The further case of the petitioner is that the fine amount was imposed and the petitioner paid the fine amount of Rs.10,000/- on the same day.

3.The grievance of the petitioner is that the first respondent even without registering a First Information Report is continuing to hold the Original Driving License and the license has not been given back to the petitioner. As a result of the same, the petitioner is not in a position to act as a driver in the Private Transport Company. The petitioner has made a representation on 17.07.2020 to the respondents in this respect and since there was no response for this representation also, the present writ petition has been filed before this Court seeking for appropriate directions.

4.Heard Mr.T.Padmanabhan, learned counsel appearing on behalf of the petitioner and Mr.Aruldoss, learned Government Advocate appearing on behalf of the respondents.

5.The issue involved in the present writ petition is covered by various orders passed by this Court, wherein, this Court had repeatedly held that the original license cannot be suspended or seized unless the contingencies specified in Clauses (a)-(h) of Section 19(1) of the Motor Vehicles Act and Rules there under is satisfied.

6.In the present case, the claim made by the petitioner is that the first respondent has not even registered a criminal case against the petitioner and he retained the Original Driving License of the petitioner. The petitioner has made a representation in this regard on 17.07.2020 to both the respondents.

7.In view of the above, there shall be a direction to the respondents to consider the representation made by the petitioner on 17.07.2020 and hand over the Original Driving License to the petitioner. However, it is made clear that this order will not preclude the respondents from initiating any action, if any of the contingencies specified in Clause (a)-(h) of Section 19(1) of the Motor Vehicles Act arises later or if any of the rules as prescribed by the Central Government pursuant to Section 19(1)(f) of the Act are violated.

8.This writ petition is disposed of accordingly. No costs.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

To

1. The Sub Inspector of Police
Mecheri Police Station, Salem District, Salem.

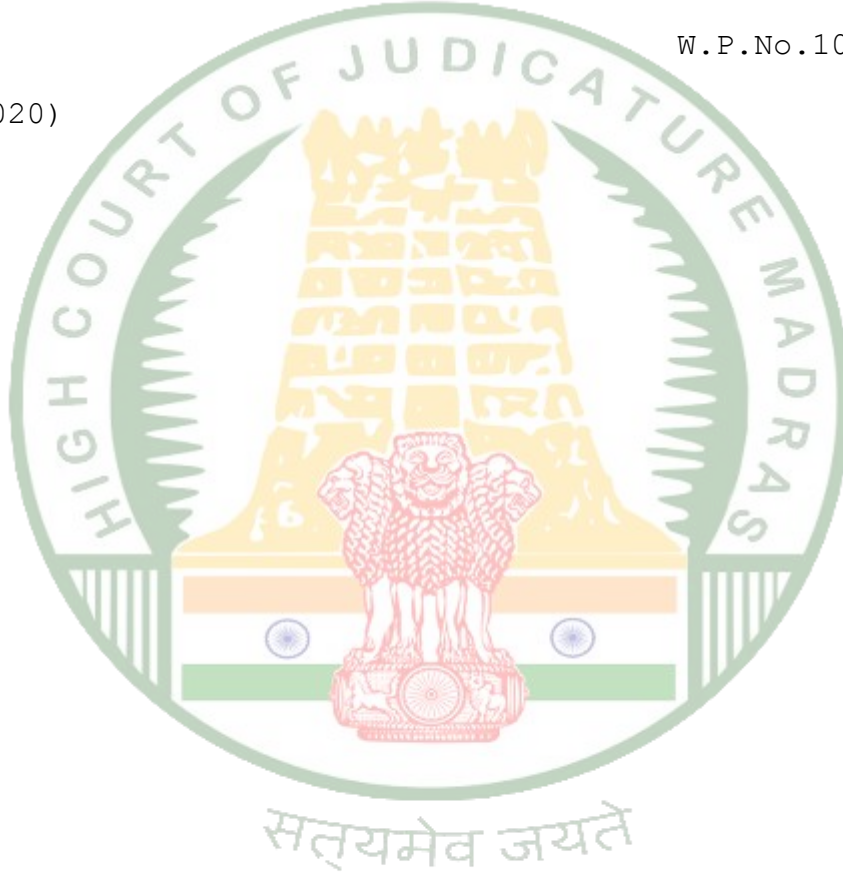
2. The Licensing Authority Cum Regional
Transport Officer, Kallakurichi (UO), Kallakurichi.

+1cc to The Government Pleader, High Court, Madras. SR.27063

+1cc to Mr.T.Padmanabhan, Advocate in Sr.26941

W.P.No.10739 of 2020

rv(15/9/2020)



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