



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.01.2020

CORAM:

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA

WEB COPY

W.P. (MD)No.465 of 2020

R.Sivakumar

: Petitioner

Vs.

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

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

3.The Inspector of Police,
Aravakuruchi Police Station,
Aravakurichi,
Karur 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 No.TN 47 19960000844 to the Petitioner forthwith.

For Petitioner

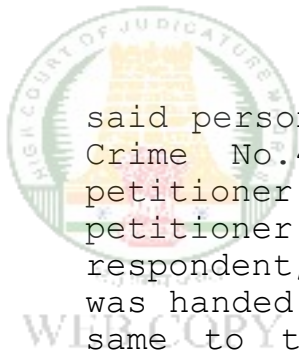
: Mr.C.Prakasam

For Respondents

: Mr.J.Padmavathi Devi,
Special Govt. Pleader

ORDER

The petitioner is employed as a Driver in Tamil Nadu State Transport Corporation Limited, Kumbakonam Division, Karur Region, Aravakurichi Branch and served for 12 years with unblemished service. While-so, on 4.12.2019, when he was working in the bus bearing Registration No. TN 45N 3721 when the bus was proceeding from Pallapatti to Aravakurichi at Pallapatti Tamil Nagar, Near Ramasamy Chettiar Mill, all of a sudden a person crossed the said bus and at that point of time, the accident had occurred and the



said person died on the spot. First Information Report was filed in Crime No.403 of 2019 and a case was registered against the petitioner under Sections 279 and 304-A I.P.C. It is stated by the petitioner that the original licence was seized by the third respondent, while registering the First Information Report and it was handed over to the second respondent, who in-turn forwarded the same to the first respondent. Therefore, the petitioner made a representation, dated 12.12.2019 to the first and second respondents for return of the original licence. Since the first and the second respondents have not returned the licence, the petitioner is before this Court.

2. 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. The final report has not also been filed.

3. 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.

4. 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.

5. 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.

6. 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.

7. In such circumstances, a direction is issued to the first respondent - The Regional Transport Officer, Regional Transport Office, No.126, Old Dindigul Road, New Collectorate, Karur District, to return the original driving licence bearing No.TN 47 19960000844 to the petitioner **forthwith**, on receipt of a copy of this order.



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

Sd/-

Assistant Registrar ()

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

vsn

To

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

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

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

+1 CC to SPL.GP (SR-1360[F] dated 10/01/2020)

+1 CC to Mr.C.PRAKASAM, Advocate (SR-1291[F] dated 10/01/2020)

Order made in
W.P. (MD) No. 465 of 2020
09.01.2020

VB(21.01.2020) 3P 6C