



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : **10.01.2020**

CORAM:

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA
W.P. (MD)No.668 of 2020

WEB COPY

V.John Lawrenso

: Petitioner

Vs.

The Regional Transport Officer,
The Regional Transport Office,
Srirangam, Trichy.

: Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, directing the respondent to return the Driving Licence of the Petitioner bearing D.L.No.TN47 19920001075 to him, forthwith.

For Petitioner : Mr.S.Arunachalam

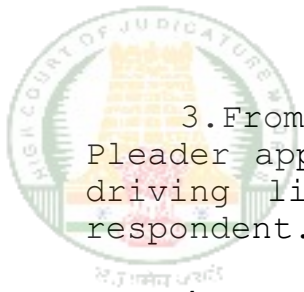
For Respondent : Mr.M.Murugan

Government Advocate

ORDER

The petitioner is employed as a Driver in Manapparai Branch of Tamil Nadu State Transport Corporation (Kumbakonam) Limited from 14.09.2009. On 17.09.2019, while he was driving a bus bearing Registration No.TN 45 N 3836 between Manapparai and Trichy and also other places, in Vannan Koil Bus Stop, one person suddenly crossed the lane in which the Petitioner's bus entered and thus caused the accident, by which, the said person sustained injury. First Information Report was filed in Crime No.129 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 while registering the First Information Report, the original licence was handed over to the Motor Vehicles Inspector, employed in the respondent's Office, who in-turn handed over the same to the respondent. Therefore, the petitioner made a representation, dated 26.12.2019 to the respondent for return of the original driving licence. Since the respondent has not returned the licence, the petitioner is before this Court.

2. The learned Counsel for the petitioner would vehemently contend that the 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 respondent, it is noted that the original driving licence of the petitioner is now in possession of the 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 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 respondent - The Regional Transport Officer, Regional Transport Office, Srirangam, Trichy, to return the original driving licence bearing D.L.No.TN47 19920001075 to the petitioner **forthwith**, on receipt of a copy of this order.

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

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2020

Sub Assistant Registrar (CS)

vsn

To

The Regional Transport Officer,
The Regional Transport Office,
Srirangam, Trichy.

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



+1 CC to Mr.S.ARUNACHALAM, Advocate (SR-1649[F] dated 13/01/2020)

Order made in

W.P. (MD) No. 668 of 2020

Dated: 10.01.2020

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MK (27.01.2020) 3P 3C