



**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED:13.01.2020**

**CORAM:**

**THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA**

**W.P(MD)No.724 of 2020**

**and**

**W.M.P. (MD) No.537 of 2020**

M.Pugalenthir

... Petitioner

Vs.

1) The Licensing Authority/  
Regional Transport Officer,  
Madurai Central,  
Madurai District.

2) The Inspector of Police,  
Traffic Investigation  
Wing III Police Station,  
Madurai City.

... Respondents

**PRAYER:** Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, to direct the respondents to return the petitioner's original driving license bearing DL No.TN 22 19940001983 to the petitioner within a time limit that may be fixed by this Court.

|                 |                                          |
|-----------------|------------------------------------------|
| For Petitioner  | : Mr.A.Rahul                             |
| For Respondents | : Mr.M.Rajarajan,<br>Government Advocate |

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**O R D E R**

The petitioner is employed as a driver in the Tamil Nadu State Transport Corporation Ltd., Madurai Division, Madurai Region, Checkanoorani Branch. On 13.12.2019, at about 4:00 p.m. the Branch Manager of Checkanoorani Branch of Transport Corporation informed the petitioner that the second respondent police has registered a case in Cr.No.259 of 2019 for the offence under Sections 279, 337 and 304(A) of IPC, wherein it has been alleged that the bus driven by the petitioner on 11.12.2019 at Madura Coats Bridge, Madurai city caused injuries to a 17 year old boy and a complaint has been



given by one Gowri, wherein she has requested the police to identify the driver and the TNSTC Bus for taking appropriate action.

2. It is stated by the petitioner that the original licence was seized by the second respondent on 13.12.2019, while registering the First Information Report and it was forwarded to the first respondent. Therefore, the petitioner made a representation dated 22.12.2019 to the first and second respondents to return the original licence. Since the first and the second respondents have not returned the licence, the petitioner is before this Court.

3. The learned counsel appearing 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.

4. From the submissions made by the learned Government Advocate appearing for the respondents, it is noted that the original driving licence of the petitioner is now in possession of the first respondent.

5. 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.

6. 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.

7. 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.

8. In such circumstances, a direction is issued to the first respondent - The Licensing Authority/Regional Transport Officer, Madurai Central, Madurai District, to return the original driving licence bearing DL No.TN 22 19940001983 to the petitioner forthwith, on receipt of a copy of this order.



9. With the above direction, this Writ Petition is disposed of. No costs. Consequently, connected W.M.P.(MD) No.537 of 2020 is closed.

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Sd/-

Assistant Registrar (W)

/ /2020

Sub Assistant Registrar(CS)

To:

- 1) The Licensing Authority/  
Regional Transport Officer,  
Madurai Central,  
Madurai District.
- 2) The Inspector of Police,  
Traffic Investigation  
Wing III Police Station,  
Madurai City.

+1 CC to M/s.A.RAHUL, Advocate ( SR-1806[F] dated 13/01/2020 )

+1 CC to M/s.SPL.GP ( SR-1978[F] dated 20/01/2020 )

Order made in  
**W. P (MD) No. 724 of 2020**

Dated:  
**13.01.2020**

KK/SAR/04.02.2020/3P-5C/