



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **10.01.2020**

CORAM:

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA

W.P. (MD)No.667 of 2020

A.Arunkumar

: Petitioner

Vs.

1.The Regional Transport Officer,
Regional Transport Office,
Collectorate Complex,
Chettinayakkanpatti Post,
Thadikombu Road,
Dindigul-624 001.

2.The Regional Transport Officer,
Regional Transport Unit Office,
No.6-2-10A2, Madurai Main Road,
Batlagundu,
Dindigul District.

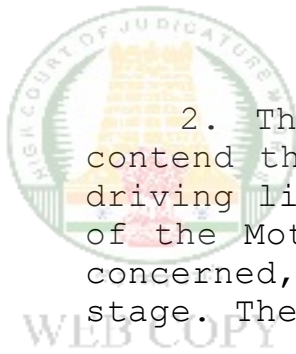
: Respondents

PRAYER: Writ Petition 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.TN57 20070003301 to the Petitioner forthwith.

For Petitioner : Mr.C.Prakasam
For Respondents : Mrs.J.Padmavathi Devi,
Spl. Government Pleader

ORDER

The petitioner is employed as a Driver in a private concern namely, Soundarya Bus Service, Dindigul. On 27.12.2019, while he was driving a bus bearing Registration No.TN 57-AJ-6377 in Dindigul-Theni Route, at about 11.50 a.m., at Old Batlagundu Junction, a motor bike suddenly crossed the Petitioner's bus and caused the accident, in which, one person died on the spot and another person died in the hospital. First Information Report was filed in Crime No.643 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 seized by the third respondent, who in-turn handed over the same to the second respondent and then it was forwarded to the first respondent. Therefore, the petitioner made a representation dated 31.12.2019 to the respondents for return of the original driving licence. Since the 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, Collectorate Complex, Chettinayakanpatti Post, Thadikombu Road, Dindigul District, to return the original driving licence bearing No.TN57 20070003301 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 (CO)

// True Copy //

/ /2020

Sub Assistant Registrar (CS)



vsn
To

1.The Regional Transport Officer,
Regional Transport Office,
Collectorate Complex,
Chettinayakkanpatti Post,
Thadikombu Road,
Dindigul-624 001.

2.The Regional Transport Officer,
Regional Transport Unit Office,
No.6-2-10A2, Madurai Main Road,
Batlagundu,
Dindigul District.

+1 CC to SPL.GP (SR-1941[F] dated 20/01/2020)

+1 cc to Mr.C.Prakasam , Advocate SR.No.1435

Order made in
W.P. (MD) No. 667 of 2020

Dated:
10.01.2020

KM/ (21.01.2020) 3P 5C