



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.08.2020

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P. (MD)No.6375 of 2020

T.K.Manikandan

... Petitioner

Vs.

1.The Regional Transport Officer,
Regional Transport Office,
Madurai Central, Madurai.

2.The Inspector of Police,
Traffic Investigation wing-I Police Station,
Madurai District.

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to return the driving license No.TN 59 19900001186 to the petitioner.

For Petitioner : Mr.K.Sathish

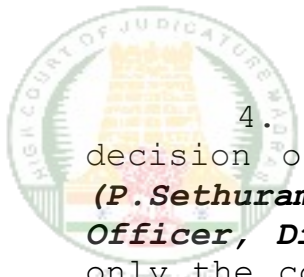
For Respondents : Mr.M.Rajarajan
Government Advocate

O R D E R

Heard the learned counsel on either side.

2. The petitioner is working as a Driver in Tamil Nadu State Transport Corporation. He was driving the bus bearing Registration No.TN 58 N 1586 on 08.03.2020, when at about 10.50 a.m., a fatal accident took place. In this regard, Crime No.36 of 2020 was registered on the file of the second respondent. The petitioner's driving license was seized by the second respondent and handed over to the first respondent. Seeking its return, this Writ Petition came to be filed.

3. The learned Government Advocate states that during the pendency of the Writ Petition, the first respondent has passed an order under Section 19 (1) of the Motor Vehicles Act, 1988, impounding the petitioner's driving license for a period of six months. He produces a copy of the proceedings bearing No.13159/E5/2020, dated 21.07.2020, issued by the first respondent. Though the said order passed by the first respondent has not been formally put to challenge in this Writ Petition, I take a note of the fact that these developments took place during the pendency of the Writ Petition. The Writ Petition was filed on 29.05.2020. It appears that even show cause notice was issued only thereafter and the final order was passed during the pendency of these writ proceedings, therefore, I am inclined to mould the relief.



4. The petitioner's counsel draws my attention to the decision of the Hon'ble Division Bench reported in **2010 WLR 100-(P.Sethuram Vs. The Licensing Authority, The Regional Transport Officer, Dindigul)**. The Hon'ble Division Bench has held that it is only the competent Criminal Court that can decide on the negligence or otherwise of the accused and that it is not open to the first respondent herein to decide the decision and the decision taken by him is rather premature. Therefore, respectfully following the aforesaid Hon'ble Division Bench decision, the order dated 21.07.2020 passed by the first respondent impounding the petitioner's driving license is quashed. The respondents are directed to return the petition mentioned driving license forthwith and without any delay.

5. The Writ Petition stands allowed. No costs.

Sd/-

Assistant Registrar ()

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

Tsg

Note:In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate /litigant concerned

To:

1.The Regional Transport Officer,
Regional Transport Office,
Madurai Central, Madurai.

2.The Inspector of Police,
Traffic Investigation wing-I Police Station,
Madurai District.

+1 CC to M/s.P. BALASUBRAMANIAN, Advocate (SR-13683[F] dated 05/08/2020)

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