



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.10.2020

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THE HONOURABLE MR. JUSTICE G.R. SWAMINATHAN

W.P. (MD)No.12670 of 2020

V.Balamurali

... Petitioner

Vs.

The Regional Transport Officer,
The Regional Transport Office,
Virudhunagar.

... Respondent

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the respondent to return the driving license of the petitioner bearing D.L.No.TN 67-19910000854 forthwith.

For Petitioner : Mr.S.Arunachalam
For Respondents : Mr.M.Rajarajan,
Additional Government Pleader

O R D E R

Heard the learned counsel on either side.

2.The writ petitioner is holding a driving license, he is employed as a Driver in Tamil Nadu State Transport Corporation, (TNSTC), Madurai. The vehicle driven by him was involved in a fatal accident. Hence, a criminal case was registered against the petitioner, in Crime No.558 of 2020, on the file of the Virudhunagar East Police Station, for the offences punishable under Sections 279, 337 and 304(A) of I.P.C. The petitioner's driving license was seized and handed over to the respondent herein. The petitioner wants the same to be returned.

3.It has been held in a catena of decisions that it is the criminal Court that must pronounce on the guilt or otherwise of the license holder. Proceedings for impounding are yet to take place. It has been held in the decision reported in **(2015) 2 CTC 626 - (R.Ravi Vs.The Regional Transport Officer, Transport Department)** that the detention of the original driving license by the respondent is impermissible in law. Respectfully following the said decision, I direct the respondent to return the petitioner's original driving license mentioned in the writ prayer without any delay and forthwith.



4.This writ petition stands allowed accordingly. No costs.

Sd/-

Assistant Registrar (CO)

// True Copy //

WEB COPY

/ /2020

Sub Assistant Registrar(CS)

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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:

The Regional Transport Officer,
The Regional Transport Office,
Virudhunagar.

+1 CC to M/s.GP (SR-19153[F] dated 06/10/2020)

W.P. (MD) No.12670 of 2020
01.10.2020

SCR(CO)
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