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W.P.(MD)No.15797 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.11.2020

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THE HONOURABLE **MR.JUSTICE ABDUL QUDDHOSE**

W.P. (MD)No.15797 of 2020

and

W.M.P. (MD)No.13244 of 2020

G.Arumugam

... Petitioner

Vs.

1.The Regional Transport Officer,
And Licensing Authority,
Madurai North,
Madurai.

2.The Inspector of Police,
TIW-II Police Station,
Tallakulam,
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 licence bearing DL No.TN67 19980002634 to him within a time limit that may be fixed by this Court.

For Petitioner : Mr.A.Rahul

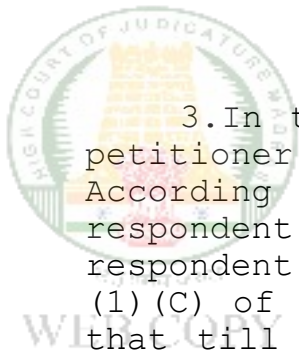
For Respondents : Mr.C.Ramesh,
Special Government Pleader.

ORDER

(This petition was heard through video conferencing)

This writ petition has been filed for a Mandamus seeking for a direction to direct the respondents to return the original driving licence of the petitioner bearing DL No.TN67 19980002634 to him within a time frame to be fixed by this Court.

2.The case of the petitioner is that he was appointed as a Driver with the Tamil Nadu State Transport Corporation (Madurai) Ltd., and he is presently serving at Sattur Branch, Virudhunagar. According to him, due to an accident that happened on 06.10.2020, a First Information Report was registered against him in crime No.170 of 2020 by the TIW-II Police Station, Madurai City for the offence punishable under Sections 279 and 304A IPC.



3. In the affidavit filed in support of the writ petition, the petitioner has stated that he was not responsible for the accident. According to him, his driving license was seized by the second respondent on 07.10.2020 and the same was handed over to the first respondent for taking action against the petitioner under Section 19 (1) (C) of the Motor Vehicles Act. It is the case of the petitioner that till date no show cause notice has been issued by the first respondent to him. It is also the case of the petitioner that the second respondent has failed to follow the procedures as contemplated under Section 206(2) of the Motor Vehicles Act before seizing the license from the petitioner. In such circumstances, he has filed the present writ petition seeking the aforesaid relief.

4. Mr. C. Ramesh, learned Special Government Pleader, accepts notice on behalf of the respondents. By consent of both parties, this writ petition is taken up for final disposal at the admission stage itself.

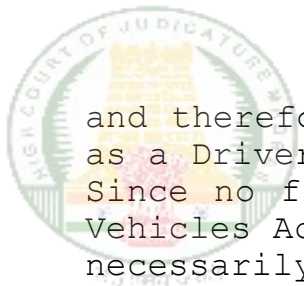
5. Heard Mr. A. Rahul, learned counsel appearing for the petitioner and Mr. C. Ramesh, learned Special Government Pleader appearing for the respondents.

6. The learned counsel appearing for the petitioner drew the attention of this Court to the orders passed in identical matters by this Court, wherein, this Court had directed the first respondent to return the original Driving Licence. This Court in all those decisions held that unless and until, the license issued by the competent authority is cancelled or suspended or revoked in the manner known to law, it is deemed to be in force. In the case on hand, the competent authority has not passed orders for cancellation or suspension or revocation of the driving license of the petitioner.

7. However, it is contended by the learned Special Government Pleader appearing for the respondents that show cause notice has been issued to the petitioner for cancellation of licence under Section 19 of the Motor Vehicles Act, which is disputed by the learned counsel for the petitioner.

8. Admittedly, no final order has been passed by the first respondent under Section 19 of the Motor Vehicles Act impounding the licence of the petitioner. This being the case, the decisions relied upon by the learned counsel for the petitioner squarely applies to the facts of the instant case.

9. In the case on hand, even without passing any order for cancellation or suspension or revocation of the licence, the respondents have seized the driving licence of the petitioner. The petitioner is admittedly, employed as Driver in Tamil Nadu State Services Corporation (Madurai) Ltd. He has to eke out his livelihood



and therefore, without driving licence, he cannot continue his duty as a Driver with Tamil Nadu State Transport Corporation(Madurai)Ltd. Since no final order has been passed under Section 19 of the Motor Vehicles Act, the original licence of the petitioner will have to be necessarily returned back to the petitioner by the respondents.

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10.For the foregoing reasons, this Court directs the respondents to return the petitioner's original driving licence bearing DL No.TN67 19980002634 to the petitioner, within a period of one week from the date of receipt of a copy of this order.

11.With the aforesaid direction, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (AE)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

gns

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,
And Licensing Authority,
Madurai North, Madurai.

2.The Inspector of Police,
TIW-II Police Station,
Tallakulam,
Madurai City.

+1 CC to M/s.A. RAHUL, Advocate (SR-21855[F] dated 11/11/2020)
+1 CC to SGP (SR-21910[F] dated 11/11/2020)

W.P. (MD)No.15797 of 2020

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NR (18/11/2020) 3P : 5C