

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:08.02.2021

Coram

The HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P.No.2658 of 2021

P.Ashok Kumar

.... Petitioner

vs.

1.The Inspector of Police,
Traffic Investigating Wing, West,
Coimbatore City Police Station,
Coimbatore.

2. The Licensing Authority-cum-
Regional Transport Officer,
Coimbatore North,
Coimbatore

.... Respondents

Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus to direct the 2nd respondent to return the original driving license (DL No.TN41 20000005576) to the petitioner.

For Petitioner : Mr.K.Hariharan

For Respondents: Mr.Elumalai
Additional Government Pleader
for R1 and R2

O R D E R

This petition has been filed by the petitioner, seeking for a direction, to direct the 2nd respondent herein to return the Driving License DL.No.TN 41 20000005576 to the petitioner.

2.The case of the petitioner is that he is working as a driver in the Tamil Nadu State Transport Corporation of Coimbatore. On 11.01.2021, an accident had occurred while he

was on duty and driving the Corporation bus due to which, a motor cycle rider died. The 1st respondent police registered a case in Crime No.16 of 2021 as against the petitioner under Section 279 & 304-A IPC and the same is pending investigation. During the course of investigation, the 1st respondent police have collected the original driving licence of the petitioner and submitted it to the 2nd respondent with a recommendation to cancel the driving licence issued to the petitioner.

3. Mr.K.Hariharan, learned counsel appearing for the petitioner would submit that a case in Crime No.16 of 2021 is pending at the stage of investigation, therefore, only after the trial, it could be revealed whether any lapse is there on the part of the petitioner or not. He would further submit that at present, the case is in F.I.R. stage and it is not appropriate on the part of the 1st respondent to make a recommendation to the 2nd respondent to cancel the driving licence issued to the petitioner.

4. Mr.M.Elumalai, the learned Additional Government Pleader would submit that the case has been registered only on 11.01.2021 and the investigation is still pending. He would refer to the provisions under Section 206(2) of 'The Motor vehicles Act, 1988 which reads as follows:

206. Power of police officer to impound document -

(1).....

(2) Any police officer or other person authorised in this behalf by the State Government may, if he has reason to believe that the driver of a motor vehicle who is charged with any offence under this Act may abscond or otherwise avoid the service of a summons, seize any licence held by such driver and forward it to the Court taking cognizance of the offence and the said Court shall on the first appearance of such driver before it, return the 222 licence to him in exchange for the temporary acknowledgement given under sub-section (3).

(3)

5. In view of the decision taken by this Court in similar writ petitions directing the respondents to return the driving license, pending investigation, this Writ Petition is disposed of in terms of provision under Section 206 of the Motor Vehicles Act and with a direction to the 2nd respondent to return the driving licence to the 1st respondent police, who in

turn, shall submit the same before the concerned Judicial Magistrate and the petitioner is at liberty to approach the concerned Judicial Magistrate for return of the driving license by filing appropriate application and on such application being made, the learned Judicial Magistrate shall decide for return of driving licence in accordance with section 206 of the Motor Vehicles Act, within a period of two weeks thereafter. No costs.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

vsi
To

- 1.The Inspector of Police,
Traffic Investigating Wing, West,
Coimbatore City Police Station,
Coimbatore.
2. The Licensing Authority-cum-
Regional Transport Officer,
Coimbatore North,
Coimbatore.
3. The Judicial Magistrate
Coimbatore.

+lcc to the Government Pleader Sr.7074

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