

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.05.2021

CORAM

THE HONOURABLE MR. JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P.No.12032 of 2021
and
W.M.P.No.12803 of 2021

K.Murugesan
S/o.Kuppannan

... Petitioner

Vs.

The Licensing Authority
Regional Transport Officer,
The Office of the Regional Transport Officer,
Dharapuram, Tirupur District. ... Respondent

PRAYER : Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus directing the respondent to return forthwith the petitioner's original driving licence bearing No.TN-33-1992000-3378 without any condition and without any endorsement and within a specified time as may be fixed by this Hon'ble Court, Award Costs.

For Petitioner : Mr.V.Ajay Khose
For Respondent : Ms.Shabnam Banu

ORDER

The petitioner complains that his original driving licence bearing No.TN33 1992000 3378 has been withheld by the respondent in contravention of applicable law. Consequently, the petitioner prays for a mandamus to return the said original driving licence. The learned counsel for the petitioner submits that the petitioner is a driver in the Tamil Nadu State Transport Corporation and that an accident occurred on account of the negligence of a two wheeler rider. In connection thereto, a FIR was registered and such proceedings are pending.

2. He further contends that the Licensing Authority is entitled to revoke a driving licence only in accordance with Section 19 of the Motor Vehicles Act, 1988. In the case on hand, he submits that the driving licence of the petitioner was neither suspended nor revoked. In spite of the driving licence not having been suspended or revoked in accordance with law, he contends that the respondent has unlawfully retained his driving licence and thereby prevented the petitioner from making use of

such licence. Although a representation was submitted on 29.04.2021 requesting the respondent to return the driving licence, no action has been taken thereon. The learned counsel for the petitioner also relied upon several judgments of this Court in similar circumstances, wherein the return of the driving licence was directed by this Court.

3. Learned Standing Counsel for the Regional Transport Officer accepts notice on behalf of the respondent and submits that the representation of the petitioner could not be disposed of earlier on account of the ongoing Covid-19 pandemic. She further submits that such representation would be disposed of within a reasonable time frame.

4. The respondent is duty bound to act strictly in accordance with applicable law and, in particular, the Motor Vehicles Act. As pointed out by learned counsel for the petitioner, the driving licence cannot be withheld except under statutory authorisation in such regard.

5. Accordingly, W.P.No.12032 of 2021 is disposed of by directing the respondent to consider the representation dated 29.04.2021 and dispose of the same by a reasoned order after providing a reasonable opportunity to the petitioner. Such order shall be passed within a period of four weeks from the date of receipt of a copy of this order and shall take into account the observations contained in this order and the judgments of this Court in this regard. Consequently, connected miscellaneous petition is also closed. No costs.

s/d-
Assistant Registrar(CS VI)

True Copy

Sub-Assistant Registrar

dpq/rpl
To

The Licensing Authority
Regional Transport Officer,
The Office of the Regional Transport Officer,
Dharapuram, Tirupur District.
+1 CC to The Government Pleader sr 27291

W.P.No.12032 of 2021
and
W.M.P.No.12803 of 2021

PP(CO)
SP(03/06/2021)