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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.08.2021

CORAM :

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Writ Petition No.18144 of 2021

WMP No. 19362 of 2021

K. Arumugam

... Petitioner

-Vs-

The Licensing Authority/ Regional Transport Authority,
The Office of the Regional Transport Authority,
Tambaram, Chennai, 600045.

... Respondents

Prayer : Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the Respondents to return forthwith the Petitioner's original driving licence bearing No. TN 01 20030014964 without any condition and without any endorsement and within a specified time.

For Petitioner : Ms.H.Nandhini

For Respondent : Mr. U. Baranidharan,
Government Advocate

O R D E R

This writ petition has been filed for the issue of a writ of Mandamus directing the respondents to return the original driving licence of the petitioner.

2. The case of the petitioner is that, he is a driver working in the Tamil Nadu State Transport Corporation. On 09.07.2021, while he was driving the vehicle, the vehicle was involved in an accident and a person sustained injuries. A complaint was given and a F.I.R., came to be registered in Crime No.195 of 2021 for offences under Sections 279 and 337 I.P.C., During the course of investigation, the original driving licence of the petitioner was seized and it was handed over to the respondent.



3. The petitioner made a representation to the respondent on 30.07.2021 requesting for the return of the original driving licence. Since the same was not acted upon, the present writ petition has been filed.

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4. Heard Ms.H.Nandhini, learned counsel for the petitioner and Mr.U.Baranidharan, learned Government Advocate appearing for the respondent.

5. The issue involved in this writ petition is squarely covered by the judgment of the Division Bench in P.Sethuraman Vs. The Licensing Authority, The Regional Transport Officer, The Regional Transport Officer, Dindigul reported in 2010 Writ Law reporter 100 . The Division Bench judgment has also been subsequently followed by this Court in various orders and the latest order was passed by this Court in W.P.No.15951 of 2021 dated 02.08.2021. This Court had relied upon the judgment of the Division Bench and held that the mere registration of F.I.R., will not be a ground to impound the original licence or to make any endorsement therein or suspend the same, if it does not satisfy the requirements of Section 19(1) of the Motor Vehicles Act, 1988. The said judgment will squarely apply to the facts of the present case.

6. In view of the above discussion, there shall be a direction to the respondent to return back the driving licence of the petitioner forthwith. It will be left open to the respondent to await the final orders in the criminal proceedings and if the criteria as provided under Section 19(1) of the Motor Vehicles Act, 1988 is satisfied, it will be left open to the respondent to initiate proceedings against the petitioner for suspension / revocation of the driving licence.

7. With the above directions, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

KST

To

The Licensing Authority/ Regional Transport Authority,
The Office of the Regional Transport Authority,
Tambaram, Chennai, 600045.

+1 cc to Government Pleader Sr.No. 4941

+1cc to Mr.V.Ajay Khose, Advocate SR.No. 43761

W.P.No.18144 of 2021
& WMP No.19362 of 2021

SSV(CO)

A.SK(20.09.2021)