



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.12.2021

CORAM:

THE HON'BLE DR.JUSTICE ANITA SUMANTH

W.P. NO.28096 OF 2021

M.Muthukrishnan

.. Petitioner

.Vs.

1. The Regional Transport Officer,
Regional Transport Office,
Iswarya Nagar, Dharapuram,
Tiruppur District.
2. The Motor Vehicle Inspector,
Unit Office, Elayamuthur Road,
Opp. To Government Arts College,
Udumalaipettai, Tiruppur District.
3. The Inspector of Police,
Madathukulam Police Station,
Madathukulam, Tiruppur District.

.. Respondents

Prayer:

Writ Petition filed under Article 226 of the Constitution of India praying to Writ of Mandamus to direct the 1st respondent to return the petitioner's original driving licence bearing No.TN45Z20080000415 to him forthwith.

For Petitioner : Ms.D.Kalaiselvi

For Respondents : Mr.P.Gurunathan
Additional Government Pleader



O R D E R

Mr.P.Gurunathan, learned Additional Government Pleader accepts notice for the respondents and is armed with instructions to proceed with the matter finally. Hence, by consent of both sides, this Writ Petition is taken up for final disposal even at the stage of admission, since the issue raised appear to be settled by several decisions of this Court and there are no disputes in regard to facts.

2. The petitioner holds a driving licence and was working in a private goods transport company. On 10.12.2021, he was involved in an accident while driving the lorry bearing registration No.TN-94-Z-5170 from Ottanchathiram to Kerala. The accident resulted in a fatality and an FIR has been registered by R3 in Crime No.620 of 2021 for alleged offences under Sections 279 and 304(A) of the Indian Penal Code (IPC).

3. No notice as on date has been issued in terms of Section 19 of the Motor Vehicles Act, 1988 (in short 'Act'). Notwithstanding this position, the original licence of the petitioner has been seized by R2 and handed over to R1, who presently holds the same.

4. The petitioner seeks a mandamus directing R1 to return the original driving licence to him as it is a matter of his livelihood. It is settled by several decisions of this Court including a decision of a Division Bench of Madurai Bench of this Court dated 30.07.2009 in W.A.(MD) No.374 of 2009 (P.Sethuram V. Licensing Authority, The Regional Transport Officer, Dindigul), that seizure of a driving licence even prior to initiation of proceedings in terms of Section 19 of the Act would be pre-mature. This decision has been consistently followed by subsequent Benches of this Court as well.

5. In light of the admitted fact that proceedings in terms of Section 19 are yet to be commenced, the seizure of the driving licence in this particular case is also pre-mature and the same shall be handed over to the petitioner.



6. The mandamus as sought for stands achieved and this Writ Petition is allowed. The first respondent is directed to return the original driving licence bearing No.TN45Z20080000415 to the petitioner forthwith, in any event within 48 hours from today. It is made clear that the respondents are at liberty to initiate proceedings in terms of Section 19 of the Act or any other proceedings that may be deemed fit and conclude the same in accordance with law. No costs.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

1. The Regional Transport Officer,
Regional Transport Office,
Iswarya Nagar, Dharapuram,
Tiruppur District.
2. The Motor Vehicle Inspector,
Unit Office, Elayamuthur Road,
Opp. To Government Arts College,
Udumalaipettai, Tiruppur District.
3. The Inspector of Police,
Madathukulam Police Station,
Madathukulam, Tiruppur District.

+1cc to Mr.S.Prasanth, Advocate, SR.NO.69945

+1cc to Government Pleader, SR.NO.69959

W.P. No.28096 of 2021

KSM(CO)
PM/11/01/2022