



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.01.2021

CORAM:

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P. (MD)No.392 of 2021

K.Pandiaraj

... Petitioner

Vs

The Regional Transport Officer,
Regional Transport Office,
Virudhunagar,
Virudhunagar District.

... Respondent

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondent to return back the petitioner's original driving license bearing DL.No.TN67 19910000682 within the time frame fixed by this Court.

For Petitioner : Mr.K.Gokul
For Respondents : Ms.M.Rajeswari
Government Advocate

ORDER

Heard the learned counsel on either side.

2.The petitioner is working as driver in TNSTC. His vehicle was involved in a fatal accident. In this regard, Crime No.724 of 2020 was registered on 29.11.2020. The Criminal Court is yet to pronounce its verdict. In the meanwhile, the respondent has seized the petitioner's original license.

3.It has been held by the Hon'ble Division Bench in the decision reported in **2010 WLR 100 (P.Sethuram Vs. the Licensing Authority, Regional Transport Officer, Dindigul)** that it is only the competent criminal Court that can impound the petitioner's driving license and that it is not open to the respondents herein to do so. Of-course, the petitioner's guilt has to be established before the competent criminal court before the petitioner's driving license can be impounded.

4.The said decision is squarely applicable to the case on hand. The respondent is directed to return the petition mentioned original driving license to the petitioner immediately and without any delay.



5.The Writ Petition is allowed accordingly. No costs.

Sd/-

Assistant Registrar (CS-III)

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/ /2021

Sub Assistant Registrar(CS)

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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

The Regional Transport Officer,
Regional Transport Office,
Virudhunagar,
Virudhunagar District.

+1 CC to SGP (SR-1097[F] dated 19/01/2021)

+1 CC to M/s.K.GOKUL, Advocate (SR-857[F] dated 11/01/2021)

W.P.(MD)No.392 of 2021

11.01.2021

TP (CO)

NR (09/02/2021) 2P : 4C