



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.02.2021

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P (MD)No.1624 of 2021

V.Saravanakumar

... Petitioner

Vs.

1.The Regional Transport Officer,
Regional Transport Office,
Collectorate Complex,
Chettivanayakkanpatti Post,
Thadikombur Road,
Dindigul - 624 001.

2.The Inspector of Police,
Oddanchatram Police Station,
Oddanchatram,
Dindigul District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the 1st respondent to return the petitioner's original driving lincense bearing No.TN60 1993 0002188 to the petitioner forthwith.

For Petitioner : Mr.Prasanth.S

For Respondents : Mr.C.Ramar,
Additional Government Pleader.

ORDER

Heard the learned counsel on either side.

2.The petitioner's original driving license was seized by the respondents. This was because the petition mentioned vehicle was involved in Crime No.17 of 2021 registered on the file of the second respondent. It is case of fatal accident.

3. It is settled law that until the licence or any certificate issued by the competent authority is cancelled or suspended or revoked in the manner known to law, it is deemed to be in force. The impounding of licence will come only after passing of the order as per the relevant provisions of the statute, in this case, under Section 19 of the Motor Vehicles Act, 1988.

4. In similar circumstances, a Division Bench of this Court, in **P.Sethuram v. The Licensing Authority, The Regional Transport Officer, Dindigul**, reported in **2010 Writ L.R. 100**, held that even before passing the order under Section 19 of the Motor Vehicles Act,



1988, if driving licence is impounded, it amounts to pre-determination of the issue and the authority has no jurisdiction to do so.

5.Applying the aforesaid decision, I hold that the first respondent erred in not returning the petitioner's original driving license. The first respondent is directed to return the petition mentioned original driving license to the petitioner forthwith and without any delay.

6.The writ petition is allowed accordingly. No costs.

Sd/-

Assistant Registrar (AE)

// True Copy //

/ /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:

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+1 CC to SPL GP (SR-4261[F] dated 10/02/2021)

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