



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **06.05.2021**

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P. (MD)No.9105 of 2021

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M.Muniyasamy
S/o.Muthulingam

... Petitioner

Vs.

1.The Regional Transport Officer,
Pudukkottai Region,
Pudukkottai District.

2.The Inspector of Police,
Pudukkottai Town Police Station,
Pudukkottai District.

...Respondents

Prayer: Petition filed Under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the first respondent to return my original Driving License bearing No.TN 65 19980001665 within stipulated time to be fixed by this Court.

For Petitioners	: Mr.SP.Vijay Nivas
For Respondents	: Mr.J.Gunaseelan Muthaiah Additional Government Pleader

O R D E R

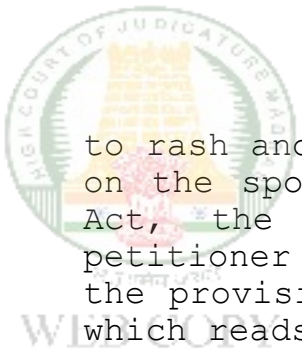
This writ petition is filed for issuance of a writ of Mandamus, directing the first respondent to return the original Driving License bearing No.TN65 19980001665 within a stipulated time.

2.The case of the petitioner is that the petitioner is working as a Driver in the Tamil Nadu State Transport Corporation and on 27.02.2021, while he was driving a bus bearing Reg.No.TN-63-N-1878, near Pudukkottai Superintendent of Police Office, a two wheeler bearing Reg.No.TN-55-BH-0681 dashed on the rear side of petitioner's bus and due to which a female child died on the spot.

3.According to the petitioner, four persons came in a two wheeler in a rash and negligent manner and dashed on the back side of the bus and thereby caused accident. Consequently, a case in Crime No.236 of 2021 has been registered against the petitioner for the offence under Sections 279, 337 and 304(A) of IPC and the petitioner's driving license bearing No.TN65 19980001665 was seized by the second respondent and the investigation is yet to be completed.

4.Mr.J.Gunaseelan Muthaiah, learned Additional Government Pleader takes notice for the respondents and would submit that due

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to rash and negligent driving of the petitioner, a female child died on the spot in the accident. Therefore, as per the Motor Vehicles Act, the driving license bearing No.TN65 19980001665 of the petitioner was seized by the second respondent. He would refer to the provisions under Section 206(2) of the Motor Vehicles Act, 1988 which reads as follows:-

'Power of Police officer to impound document-

(1).....

(2)Any police officer or other person authorised in this behalf by the State Government may, if he has reason to believe that the driver of a motor vehicle who is charged with any offence under this Act any abscond or otherwise avoid the service of a summons, seize any licence held by such driver and forward it to the Court taking cognizance of the offence and the said Court shall on the first appearance of such driver before it, return the 222 licence to him in exchange for the temporary acknowledgement given under Sub-section(3)."

5.This court has paid its anxious consideration to the rival submissions.

6.According to the petitioner, four persons came in a two wheeler in a rash and negligent manner and dashed against the petitioner's bus and caused accident, which resulted in a death of a girl child. It is not due the negligent driving of the petitioner, but only due to the rash and negligent riding of an aged person, who rode the two wheeler at the time of accident, however, a case in Crime No.236 of 2021, was registered on 07.03.2021 against the petitioner by the second respondent police and the investigation is being conducted.

7. In view of the decision taken by this Court in similar writ petitions, directing the respondents to return the driving license, pending investigation, this Writ petition is allowed, in terms of provision under Section 206 of the Motor Vehicles Act and with a direction to the second respondent to return the driving licence to the first respondent, who in turn, shall submit the same before the concerned Judicial Magistrate and the petitioner is at liberty to approach the concerned Judicial Magistrate for return of the driving license by filing appropriate application and on such application being made, the learned Judicial Magistrate shall decide for return



of driving licence in accordance with section 206 of the Motor Vehicles Act, within a period of two weeks thereafter. No Costs.

Sd/-

Assistant Registrar (CS II)

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// True Copy //

/ /2021

Sub Assistant Registrar(CS)

tta/akv

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

- 1.The Regional Transport Officer,
Pudukkottai Region,
Pudukkottai District.
- 2.The Inspector of Police,
Pudukkottai Town Police Station,
Pudukkottai District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.GP (SR-18507[F] dated 07/05/2021)

W.P. (MD)No.9105 of 2021
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KK(23.06.2021) 3P 5C