



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.10.2021

CORAM

THE HON'BLE MR.JUSTICE R.SURESH KUMAR

W.P. (MD) No.19367 of 2021

R.Parameswaran

.. Petitioner

Vs.

1.The Regional Transport Officer,
Regional Transport Office,
Kadalaiyur Road,
Kovilpatti,
Thoothukudi District.

2.The Inspector of Police,
Ettayapuram Police Station,
Ettayapuram,
Thoothukudi District.

3.A.Narayanan,
District Programme Manager,
Free Hearse Services,
Free Thai Care Red Cross Society,
Thoothukudi District.

.. Respondents

Prayer: Writ Petition is filed under Article 226 of Constitution of India, to issue a Writ of Mandamus, directing the first respondent to return the petitioner's original driving licence within a stipulated time limit fixed by this Court.

For Petitioner : Mr.M.Prabu

For R1 & R2 : Mr.D.Ghandiraj
Government Advocate

ORDER

Prayer sought for herein is for a Writ of Mandamus, directing the first respondent to return the petitioner's original driving licence within a stipulated time limit fixed by this Court.

2.The petitioner was working as a driver at the third

<https://hcservices.ecourts.gov.in/hcservices/>



respondent organization. While so, on 17.06.2021, the vehicle, which was driven by the petitioner met with an accident, pursuant to which, an FIR has been registered at the second respondent police station on 17.06.2021 in Crime No.204 of 2021, result of which, the driving licence of the petitioner was seized by the respondent police and handed over to the first respondent for further action.

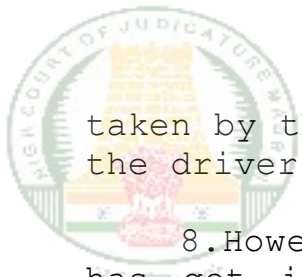
3.Subsequent to the said incident, nothing has been progressed according to the petitioner, and the driving licence of the petitioner, since has been seized and handed over to the first respondent, in order to get back the same, the petitioner had given a representation on 18.10.2021, as he was waiting all along to complete the enquiry, if any, by the first respondent, however, so far, nothing was forthcoming from the respondents, especially, the first respondent, therefore, he has approached this Court by filing this present writ petition.

4.Heard Mr.M.Prabu, learned counsel appearing for the petitioner, who would submit that, out of the said accident, no one was injured and only a light damage of the vehicle caused, which was driven by the petitioner. Therefore, for the said reason, the driving licence of the petitioner cannot be kept endlessly by the first respondent, without conducting any enquiry, as because of the long period, the licence of the petitioner, since has been seized and kept at the custody of the first respondent, the petitioner's livelihood is affected.

5.Heard Mr.D.Ghandiraj, learned Government Advocate appearing for the official respondents, who on instructions, would submit that, since the driving licence of the petitioner have been seized and handed over to the first respondent, who has to conduct enquiry under Section 19 of Motor Vehicles Act, 1988, and accordingly, depending upon the outcome of the enquiry, a decision would be taken by the first respondent, as to whether the petitioner would be entitled to get back the driving licence or not.

6.I have considered the said submissions made by the learned counsel appearing for both parties and have perused the materials placed before this Court.

7.In case of some fatal accidents, where the driving licence of the driver concerned is seized and in this regard, if any enquiry initiated under Section 19 of the Motor Vehicles Act, is pending with the concerned Regional Transport Officer, then, this Court has taken a view that the said enquiry has to be conducted and depending upon the outcome of the enquiry, a decision can be



taken by the first respondent as to whether the driving licence of the driver concerned can be given or not.

8. However in this case, it is not a fatal accident nor any one has got injured. Therefore, in these circumstances, this Court feel that, though an enquiry under Section 19 of the Act, can very well be proceeded against the petitioner, however, pending disposal of the said enquiry, it is open to the first respondent to consider the request of the petitioner, dated 18.10.2021 and, if the first respondent satisfied that the driving licence of the petitioner can be given back to him, it may be returned to the petitioner, however, such decision can be taken by taking into account the factual matrix of the case, accordingly, this Court is inclined to dispose of this writ petition with the following orders:

"that the first respondent is hereby directed to consider the representation of the petitioner, dated 18.10.2021 and decide the same on merits and in accordance with law, within a period of two weeks from the date of receipt of copy of this order. While considering the same, the first respondent shall borne in mind that it is not a fatal accident, not any one is injured out of the said accident. Therefore, considering the degree of intensity of the accident that occurred, the decision to return back the driving licence of the petitioner can be taken accordingly by the first respondent."

9. With these directions, the writ petition is disposed of. However, there shall be no order as to costs.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2021

Sub Assistant Registrar (CS)

PJL

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,
Regional Transport Office,
Kadalaiyur Road,
Kovilpatti,
Thoothukudi District.

2.The Inspector of Police,
Ettayapuram Police Station,
Ettayapuram,
Thoothukudi District.

+1 CC to M/s.SPL.GP (SR-33176[F] dated 29/10/2021)

+1 CC to M/s.M. PRABHU, Advocate (SR-33119[F] dated 28/10/2021)

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28.10.2021

RK (01/11/2021) 4P 5C