



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.12.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.SUNDAR

W.P.[MD]No.21508 of 2021

WEB COPY

A.Manivannan

... Petitioner

Vs.

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

2. The Sub-Inspector,
Malli Police Station,
Virudhunagar District.

... Respondents

[R2 is suo motu impleaded vide order dated 07.12.2021]

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondent to return the driving license of the petitioner bearing D.L.No.TN 67-20080004099 forthwith.

For Petitioner : Mr.V.R.Arunkumar

For Respondent No.1 : Mr.A.Baskaran

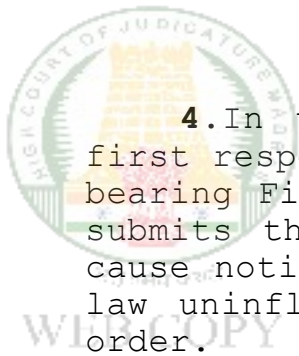
Additional Government Pleader

O R D E R

Mr.V.R.Arunkumar, learned counsel on record for the sole writ petitioner is before me.

2.Learned counsel for writ petitioner submits that the writ petitioner is working as a Driver with the Tamil Nadu State Transport Corporation from 1995. It is submitted that on 01.11.2021, there was an unfortunate fatal accident, when the writ petitioner was behind the wheel in the course of his duty while driving a public transport bus plying between Aruppukottai and Coutralam. A First Information Report (FIR) has been registered *inter alia* under sections 279 and 337 of the Indian Penal Code (IPC). This court is informed that the matter is still at FIR stage.

3.This Court is informed that the aforementioned FIR is on the file of Malli Police Station but the jurisdictional Police Station has not been added as a co-respondent. Therefore I *suo motu* implead 'Station House Officer (SHO) of Malli Police Station, Virudhunagar District' as second respondent. Registry to carry out necessary and consequential amendments in the case file before uploading this order, issue of the order before despatching the orders to all concerned.



4. In this case, a show cause notice has been issued by the first respondent and the same is show cause notice dated 11.11.2021 bearing File No.21902/B3/2021. Learned Counsel for writ petitioner submits that he will respond to the show cause notice. The show cause notice will proceed on its own merits and in accordance with law uninfluenced by this order or any observations made in this order.

5. Be that as it may, learned counsel submits that the second respondent had seized the original driving licence of the writ petitioner at the time of the aforementioned accident and the second respondent had handed over the original driving license of the writ petitioner to the first respondent. The original driving licence of the writ petitioner was issued to the writ petitioner on 08.09.2008 and it bears 'No.TN 67 20080004099' (hereinafter 'said DLR' for the sake of convenience and clarity).

6. Mr.A.Baskaran, learned Additional Government Pleader accepts notice on behalf of both the respondents.

7. There is no dispute or disagreement that the captioned matter is covered by the principle laid down by a Hon'ble Division Bench of this Court in ***P.Sethuram VS. The Licensing Authority, The Regional Transport Officer in W.A.No.374 of 2009*** authored by Hon'ble Justice V.Ramasubramanian presiding the Hon'ble Division Bench of this Court (as His Lordship then was). This judgment is reported in ***2010-Writ L.R.100*** and this deals with the scope of the power of the first respondent in cases of such nature.

8. There is no dispute or disagreement before this Court that in similar matters prayers have been acceded to and that includes orders dated 30.04.2019 in W.P.No.13570 of 2019 and 10.11.2020 in W.P(MD).No.15797 of 2020 made by Honourable Predecessor Judges.

9. Learned State counsel submits, on instructions, that the matter is in FIR stage (as already alluded to supra) and prosecution will be pursued. However, there is no dispute *qua* the aforementioned earlier orders made by Honourable Predecessor Judges and the same having been complied with by the State without carrying the matter in appeal by way of intra-court appeals.

10. In the light of the narrative thus far, this Court is of the considered view that prayer in the captioned writ petition viz., prayer to return the original driving licence [bearing licence No.TN 67-20080004099] of the writ petitioner can be acceded to.

11. This Court is informed that the original driving licence i.e., said DLR is now with the first respondent. The first respondent shall take necessary written undertaking, retain



photocopies of the original driving licence and return the writ petitioner's aforementioned original driving licence i.e., said DLR to the writ petitioner (under due acknowledgment) as early as possible and in any event within a fortnight from today i.e., on or before **21.12.2021**. The writ petitioner shall go over to the office of the first respondent on any working day in the after noon session between 02.00 PM and 04.00 PM the original driving licence shall be handed over to him by first respondent under due acknowledgment.

12.It is made clear that the writ petitioner shall produce the original driving licence as and when called for, make himself available for the criminal case to proceed and cooperate with the investigation.

13.Captioned Writ Petition is disposed of in aforesaid manner i.e., with aforementioned directives and there shall be no order as to costs.

Sd/-

Assistant Registrar (A.D.II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

MR

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,
The Regional Transport Office,
Srivilliputhur, Virudhunagar District.
2. The Sub-Inspector,
Malli Police Station,
Virudhunagar District.

ORDER MADE IN

W.P. [MD]No.21508 of 2021

07.12.2021

USK (17.12.2021) 3P 3C

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