



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.12.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.SUNDAR

W.P.[MD]No.21701 of 2021

WEB COPY

A.Antonymsamy

... Petitioner

Vs.

1.The Regional Transport Officer,
The Regional Transport Office,
Theni.

2.The Inspector of Police,
Thenkarai Police Station,
Thenkarai, Periyakulam Taluk,
Theni District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents to return petitioner's driving license bearing D.L.No.TN-45-19930003092 forthwith.

For Petitioner	: Mr.S.Arunachalam
For Respondents	: Mr.M.Ramesh Government Advocate

O R D E R

Mr.S.Arunachalam, learned counsel on record for the sole writ petitioner is before this Court.

2.Learned counsel for writ petitioner submits that the writ petitioner is working as a Driver with the Tamil Nadu State Transport Corporation from 2010. It is submitted that on 16.11.2021, 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 Manapparai and Trichy. A First Information Report (FIR) has been registered *inter alia* under sections 279 and 304-A of the Indian Penal Code (IPC) by the second respondent police. This Court is informed that the matter is still at FIR stage.

3.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. Be that as it may, the original driving licence of the writ petitioner was also issued to the writ petitioner on 19.08.1993 and it bears 'No.TN45 19930003092' (hereinafter 'said DLR' for the sake of convenience and clarity).



4.Mr.M.Ramesh, learned Government Advocate accepts notice on behalf of both the respondents.

5. 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 (as His Lordship then was) presiding the Hon'ble Division Bench. 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.

6. 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.

7. 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.

8. In the light of the narrative thus far, this Court is of the considered view that the prayer in the captioned writ petition viz., prayer to return the original driving licence [bearing licence No.TN45 19930003092] of the writ petitioner can be acceded to.

9. 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 22.12.2021. 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 and the original driving licence shall be handed over to him under due acknowledgment.

10. 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.



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

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Sd/-

Assistant Registrar (CS-III)

// 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,
Theni.

2.The Inspector of Police,
Thenkarai Police Station,
Thenkarai,
Periyakulam Taluk,
Theni District.

+1 CC to M/s.SPL GP (SR-37900[F] dated 09/12/2021)

ORDER MADE IN

W.P. [MD]No.21701 of 2021

08.12.2021

PS (CO)

GC(15.12.2021) 3P 4C