



W.P.No.15911 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.06.2022

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THE HONOURABLE MR.JUSTICE **C.SARAVANAN**

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R.Sivakumar

... Petitioner

Vs

1.The Sub Inspector of Police,
Gudimangalam Police Station,
Tiruppur District.

2.The Regional Transport Officer,
(Licensing Authority)
Regional Transport Office,
Pollachi Taluk,
Pollachi, Coimbatore District.

3.The General Manager,
The Tamil Nadu State Transport
Corporation Limited,
Regional Office, Coimbatore,
37, Mettupalayam Road,
Coimbatore - 641 043.

4.The Deputy Transport Officer,
Dr.Balasundaram Road,
Coimbatore - 641 001.

... Respondents



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Prayer: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the second respondent to return the original driving license No.TN-4119990004307 of the petitioner immediately without any endorsement.

For Petitioner : Ms.Rajeswari Karthikeyan

For Respondents :

For R1 to R3 : Mr.M.Shahjahan
Special Government Pleader

ORDER

Mr.M.Shahjahan, learned Special Government Pleader takes notice on behalf of the first to third respondents.

2. The petitioner has filed this writ petition for a Mandamus, to direct the respondents to return license which was seized from the petitioner on 05.05.2022 on account of an accident and subsequently FIR has been registered against the petitioner on 05.05.2022.

3. The petitioner's case is that the issue is squarely covered by the decision of the Hon'ble Division Bench of this Court in **P.Sethuram Vs The Licensing Authority, The Regional Transport Officer, The**



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Regional Transport Office, Dindigul, in W.A(MD).No.374 of 2009 dated 30.07.2009.

4. The learned counsel for the petitioner has also placed reliance on the decision of this Court in **Marimuthu N Vs Sub Inspector of Police, Negamam Police Station, Pollachi Taluk and others**, in W.P.No.741 of 2018 dated 11.01.2018.

5. The aforesaid writ petition was disposed by directing the respondents to consider the representation of the petitioner in the light of the decision of the Hon'ble Division Bench of this Court in **P.Sethuram case** (cited supra).

6. The relevant portion of the order is reproduced below:-

4. The petitioner is a driver in the Tamil Nadu State Transport Corporation Ltd., Coimbatore District. It is stated that the petitioner's driving licence was seized, in pursuant to an accident taken place on 13.11.2017 and followed by the registration of FIR in Crime No.394 of 2017 under Sections 279 & 337 of IPC. Now the petitioner seeks for return of the driving licence by contending that the second respondent is not entitled to seize and retain the driving licence, simply



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because a simply because a criminal case is filed against the petitioner and the same is pending.

5. The learned counsel appearing for the petitioner invited the attention of this Court to the Division Bench decision of this Court reported in 2010 Writ L.R. 100 (P.Sethuram vs. The Licensing Authority, The Regional Transport Officer, The Regional Transport Office, Dindigul) and a single Judge decision made in W.P.No.16958/2013 dated 01.07.2013 reported in 2013 Writ L.R.843 (S.Duraivelu vs. The Regional Transport Officer, West Thambaram, Chennai & 2 others), wherein, this Court has considered a similar issue and found that even the suspension of the license on the ground that a criminal case is pending, is erroneous. I myself followed the above decisions in similar cases, wherein licence was suspended. Hence, I do not think that the second respondent is justified in retaining the driving license of the petitioner.

6. The learned counsel for the petitioner has given an undertaking before this Court that the petitioner is ready and willing to discharge his duties immediately, on receipt of the driving licence.

7. Accordingly, the writ petition is allowed and the respondents are directed to return the driving license of the petitioner immediately on receipt of a copy of this order. However, it shall not preclude the respondents from initiating any action, if any of the contingencies specified in Clauses (a) to (h) of Section 19(1) of the Motor Vehicles Act, arises later or if any of the Rules as prescribed by the Central Government in pursuance of Section 19(1)(f) of the Act, are violated. No costs.



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7. This Writ Petition stands allowed in terms of the order cited above. No costs.

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Index : Yes/ No
Internet : Yes/No
Speaking/Non-Speaking Order

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To

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C.SARAVANAN, J.

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