



W.P. No.26937 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.10.2022

CORAM:

THE HON'BLE MR. JUSTICE C.SARAVANAN

W.P.No.26937 of 2022

and

WMP No.26144 of 2022

M.Murugesan

...Petitioner

vs.

1. Inspector of Police,
Avinashipalayam Police station,
Tirupur District.

2. The Licensing Authority cum -
Regional Transport Officer,
Tirupur South,
Tirupur District.

...Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records of the 2nd respondent relating to proceedings in R. No.20399/B2/2022, dated 28.7.2022 suspending the driving license of the petitioner for a period of six months from 26.5.2022 to 25.11.2022 and to quash the same. Consequently direct the 2nd respondent to return the original driving licence (DL No.TN 33 Y 20040001521) to the petitioner forthwith.



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For petitioner : Mr. K.Hariharan
For respondents : Mr.S.Rajesh,
Government Advocate for R1
Mr.V. Veluchamy,
Addl.Govt. Pleader for R2

ORDER

Mr.S. Rajesh, learned Government Advocate takes notice on behalf of the 1st respondent and Mr.V. Veluchamy, learned Additional Government Pleader takes notice on behalf of the 2nd respondent.

2. The petitioner has challenged the impugned order suspending the petitioner's driving licence for the period between 26.05.2022 to 25.11.2022.

3. The learned counsel for the petitioner submits that the impugned order was received by the petitioner only on 29.09.2022. The learned counsel for the petitioner further submits that the issue is now squarely covered by the order of the Hon'ble Division Bench of this Court in the case of **P.Sethuram Vs. The Licensing Authority, The Regional Transport Officer, The Regional Transport Office, Dindigul**, which has been followed repeatedly in several cases.

4. It is submitted that impounding of the license of the petitioner is contrary to the law settled by the Hon'ble Division Bench of the Madurai



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Bench of this Court in the case of **P.Sethuram Vs. The Licensing Authority, The Regional Transport Officer, The Regional Transport Office, Dindigul** reported in 2010 Writ L.R. 100 and also held in W.A.(MD).No.176 of 2009 vide order dated 22.06.2009 which has been extracted in the order passed by this Court on 12.05.2021 in W.P(MD).No.9605 of 2022.

5. The learned Additional Government Pleader appearing for the 2nd respondent submits that appropriate orders will be passed for returning the licence of the petitioner.

6.This writ petition is disposed at the time of admission after hearing the learned counsel for the petitioner and the learned Additional Government Pleader for the 2nd respondent, in the light of the decision of the Hon'ble Division Bench of the Madurai Bench of this Court in **P.Sethuram Vs. The Licensing Authority, The Regional Transport Officer, The Regional Transport Office, Dindigul** reported in 2010 Writ L.R. 100. A similar view has already been taken by the Hon'ble Madurai Bench of this Court in W.A.(MD).No.176 of 2009 vide its order dated 22.06.2009 content of which is also extracted in the case of **K.Perumal Vs. The Regional Transport Officer, The Regional**



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Transport Office, Sivakasi, Virudhunagar District in

W.P.(MD).No.9605 of 2022 vide order dated 12.05.2022.

7. The 2nd respondent is directed to pass appropriate orders for returning the licence of the petitioner, within a period of fifteen days from the date of receipt of a copy of this order.

8. Accordingly, this writ petition stands allowed with the above directions. No costs. Consequently, connected miscellaneous petition is closed.

06.10.2022

Index: Yes/No
Internet: Yes/No
Speaking Order/Non-Speaking Order
vsi2/nst

To
1. The Inspector of Police,
Avinashipalayam Police station,
Tirupur District.

2. The Licensing Authority cum -
Regional Transport Officer,
Tirupur South,
Tirupur District.



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C.SARAVANAN, J.

vsi2

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