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Writ Petition No.33204 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 9/12/2022

C O R A M

THE HONOURABLE MR.JUSTICE N. SATHISH KUMAR

Writ Petition No.33204 of 2022

S. Baskaran ... Petitioner

VS

1. The Inspector of Police
TIW, T – 12 Poonamallee Police Station
Chennai 56.

2. The Licensing Authority-cum-
Regional Transport Officer
Ambattur
Chennai 53.

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of mandamus to direct the second respondent to return the original Driving Licence bearing No.TN102003000088 to the petitioner forthwith.

For Petitioners ... Mr.K. Hariharan

For respondent ... Mrs.R.Anitha
Special Government Pleader



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ORDER

This writ petition has been filed praying to direct the second respondent to return the original Driving Licence bearing No.TN102003000088 to the petitioner forthwith.

2. The case of the petitioner is that he is a Driver, working in the Metropolitan Transport Corporation, Chennai. On 4/11/2022, while he was driving the bus, bearing Registration No.TN-01-AN-1648, involved in an accident with a two wheeler bearing vehicle No.TN-01-AD-4137 and he died on the spot. A complaint was given and the same was registered in Crime No.790 of 2022, for the offences punishable under Sections 279 and 304 A of the Indian Penal Code. During the course of investigation, the driving license of the petitioner was seized and it was handed over to the first respondent. Hence the petitioner had made a representation, dated 17/11/2022 to the second respondent to return the original driving license. Since the same was not acted upon, present writ petition has been filed.

3. Heard Mr.K. Hariharan, learned counsel for the petitioner and Mrs.R.Anitha, learned Special Government Pleader for the respondents.



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4. The issue involved in this writ petition is squarely covered by the judgment of the Division Bench in ***P.SETHURAMAN Vs. THE LICENSING AUTHORITY, THE REGIONAL TRANSPORT OFFICER, DINDIGUL***, reported in 2010 Writ Law Reporter 100. The Division Bench judgment has been subsequently followed by this Court in various orders. In W.P.No.18144 of 2021 (***K.ARUMUGAM Vs. THE LICENSING AUTHORITY/REGIONAL TRANSPORT AUTHORITY, OFFICE OF THE REGIONAL TRANSPORT AUTHORITY, TAMBARAM, CHENNAI***), dated 6/8/2021, this Court had relied upon the judgment of the Division Bench and held that mere Registration of First Information Report, will not be a ground to impound the original licence or to make any endorsement therein or suspend the same, if it does not satisfy the requirements of Section 19 (1) of the Motor Vehicles Act, 1988. The said judgment will squarely apply to the facts of the present case.

5. In view of the above, there shall be a direction to the second respondent to return the driving licence of the petitioner forthwith. It will be left open to the second respondent to await the final orders in the criminal proceedings and if the criteria as provided under Section 19 (1) of the Motor Vehicles Act, 1988 is satisfied, second respondent is at liberty to



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mvs.
initiate proceedings against the petitioner for suspension/revocation of the
driving licence.

6. With the above directions, this writ petition is disposed of. No
costs.

9/12/2022

Index : Yes / No
Internet: Yes
Speaking/non speaking order

mvs.

To

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