



WEB COPY



W.P.No.34203 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.12.2022

CORAM:

THE HONOURABLE MR.JUSTICE N. SATHISH KUMAR

W.P.No.34203 of 2022

K.Mohan

...Petitioner

Vs.

1.The Inspector of Police
T1W, T-12, Poonamallee Police Station
Chennai-56

2.The Licensing Authority cum
Regional Transport Officer
Poonamallee
Chennai-71

... Respondents

PRAYER: Writ petition filed under Article 226 of the Constitution of India praying to issue a Writ of mandamus directing the 2nd respondent to return the original driving license (DL No.TN2119960003997) to the petitioner forthwith.

For Petitioner : Mr.K.Hariharan

For Respondents : Mrs.R.Anitha, Spl.Govt.Pleader

ORDER



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This writ petition has been filed praying to direct the second respondent to return the original Driving Licence bearing No.TN21 19960003997 to the petitioner forthwith.

2. The case of the petitioner is that he is a Driver, working in the Metropolitan Transport Corporation, Chennai. On 15/10/2022, while he was driving the bus, bearing Registration No.TN-01-AN-11488, involved in an accident with a two wheeler bearing vehicle No.TN-13-V-2222 and he died on the spot. A complaint was given and the same was registered in Crime No.736 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 second respondent. Hence the petitioner had made a representation, dated 19/10/2022 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.

4. The issue involved in this writ petition is squarely covered by the



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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



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to 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.

21.12.2022

kpr

Internet:Yes

Speaking/non-speaking order

To

1.The Inspector of Police

T1W, T-12, Poonamallee Police Station

Chennai-56

2.The Licensing Authority cum

Regional Transport Officer

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