



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **25.01.2022**

CORAM

THE HON'BLE MR. JUSTICE M.SUNDAR

W.P(MD) No.1091 of 2022

Singamanikandan

... Petitioner

Vs.

1.The Regional Transport Officer And
Licensing Authority,
Regional Transport Office,
Virudhunagar.

2.The Inspector of Police,
Vachakarapatti Police Station,
Virudhunagar.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, for the issuance of a Writ of Mandamus, directing the respondents to return the petitioner's original driving license bearing DL No.TN 67 19980002634 to him in connection with a Crime No.218 of 2021 on the file of Vachakkarapatti Police Station, Virudhunagar within a time limit that may be fixed by this Court.

For Petitioner	: Mr.A.Ananda Raj
For Respondents	: Mr.M.Ramesh, Government Advocate.

O R D E R

Mr.A.Ananda Raj, learned counsel on record for the sole writ petitioner is before this virtual Court.

2. Learned counsel for writ petitioner submits that the writ petitioner is working as a Driver with the Tamil Nadu State Transport Corporation. It is submitted that on 19.12.2021, 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 Satur and Virudhunagar. 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 issued to the writ petitioner on 19.07.2004 and it bears 'No.TN67 19980002634' (hereinafter 'said DLR' for the sake of convenience and clarity). To be noted, it is seen from the case file that there is variance in the driving licence number qua writ petition / writ affidavit on one side and photocopy of said DLR in the typed set of papers. While the driving licence number mentioned in the writ petition and writ affidavit is TN67 19980002634, the photocopy of the driving license filed in the typed set of papers shows the number as TN67 20040002035 and the writ petitioner's name has also been clearly mentioned in the photo copy of the driving license. The scanned reproduction of the photocopy of driving license of the writ petitioner (as placed before this Court in the typed set of papers) is as follows:

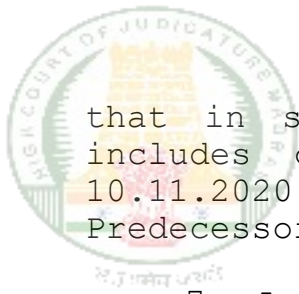


Therefore, this Court proceeds on the basis of the photocopy produced by the writ petitioner in the typed set of papers.

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

5. There is no disputation 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 disputation 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 disputation 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.TN67 20040002035] 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 08.02.2022. 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.

Sd/-

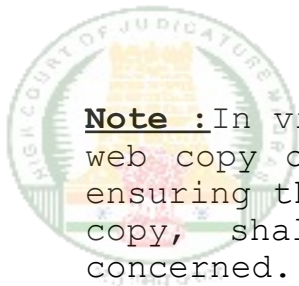
Assistant Registrar (CS-I)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

vsm



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.

WEB COPY

To

1.The Regional Transport Officer And
Licensing Authority,
Regional Transport Office,
Virudhunagar.

2.The Inspector of Police,
Vachakarapatti Police Station,
Virudhunagar.

W.P (MD) No.1091 of 2022
25.01.2022

RD /CK(03.02.2022) 4P 3C