



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **19.04.2022**

CORAM:

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

W.P. (MD) No.7189 of 2022

and

W.M.P. (MD) No.5431 of 2022

WEB COPY

A.Kumaran

... Petitioner

/vs./

1.The Regional Transport Officer
and Licensing Authority,
Kumbakonam.

2.The Inspector of Police,
Thirupanandal Police Station,
Thanjavur District.
Crime No.186 of 2022

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents to forthwith return petitioner's original driving license bearing DL.No.TN51 Z19870002344 to the petitioner within a time limit that may be fixed by this Court.

For Petitioner : Mr.A.Rahul
For Respondents : Mr.K.S.Selva Ganesan
Additional Government Pleader

ORDER

The petitioner has filed this writ petition for a Mandamus to direct the respondents to return the petitioner's original driving license bearing DL.No.TN51 Z19870002344 to the petitioner.

2.The case was heard yesterday and was adjourned to today to facilitate the learned Additional Government Pleader to get appropriate instructions as to whether any notice has been issued.

3.It is the case of the petitioner that the petitioner was a driver of the Tamil Nadu State Transport Corporation (Kumbakonam) Ltd., and was involved in an accident while driving the bus and that the First Information Report came to be registered against him on 21.03.2022. Thereafter, the 2nd respondent seized the driving licence of the petitioner on 23.03.2022.

4.It is submitted that the seizure of the driving licence of the petitioner is contrary to the law settled by this Court in the case of **P.Sethuraman Vs. the Licensing Authority** reported in **(2010) 2 MLJ 778** and therefore, seizure of the licence was illegal and therefore, it has to be returned to the petitioner.



5.The learned Additional Government Pleader for the respondents today, on instructions, submits that no notice has been issued.

6.I have considered the arguments advanced by the learned counsel for the petitioner and the learned Additional Government Pleader for the respondents.

7.This Court by an order dated 25.03.2022 in a some what identical situation in W.P.(MD) No.5341 of 2022 in the case of **(P.Mahalingam Vs. The Regional Transport Officer, Kumbakonam and another)**, has passed the following order:-

"7.I have considered the arguments advanced by the learned counsel for the petitioner and the learned Additional Government Pleader for the respondents.

8.The action of the 1st respondent seizing the licence of the petitioner is contrary to the enunciation of law by the Division Bench of this Court in the Sethuraman's case (referred supra). The petitioner therein was involved in an accident, where FIR came to be registered under Section 304A of IPC. As long as the aforesaid order of the Hon'ble Division Bench is there, the same is binding to this Court. Therefore, I direct the respondents herein to return the licence to the petitioner within a period of 15 days from the date of receipt of a copy of this order. Liberty is given to the respondents to issue appropriate notice within such time. In case such show cause notice is issued for cancelling or suspending the licence, the same shall be decided by the respondents within a period of 15 days thereafter. It is needless to state that the petitioner shall also be heard before passing such orders."

8.Under these circumstances, I am inclined to dispose of this writ petition in terms of the order passed in the aforesaid writ petition, content of which has been extracted above. The respondents are directed to return the licence to the petitioner in terms of the above orders with liberty to the respondents to initiate appropriate proceedings.

9.The writ petition stands disposed of in terms of the above observation. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (Crl.Side)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)



1.The Regional Transport Officer
and Licensing Authority,
Kumbakonam.

2.The Inspector of Police,
Thirupanandal Police Station,
Thanjavur District.

+1 CC to M/s.A. RAHUL, Advocate (SR-19526[F] dated 19/04/2022)

+1 CC to M/s.SPL.GP. (SR-19718[F] dated 20/04/2022)

W.P. (MD) No.7189 of 2022
19.04.2022

NSN(CO)
GC(02.05.2022) 3P 5C