



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.04.2022

CORAM

THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P(MD).No.8295 of 2022

S.Govendhan

... Petitioner

Vs.

1.The Regional Transport Officer,
The Regional Transport Office,
Thanjavur.

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

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the first respondent to return the petitioner's driving license bearing D.L.No.TN-49-20050004591 forthwith.

For Petitioner : Mr.S.Arunachalam

For Respondents : Mr.M.Prakash

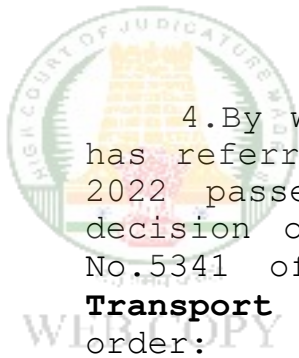
Additional Government Pleader

ORDER

The petitioner has filed this writ petition for a writ of Mandamus to direct the first respondent to return the petitioner's driving licence bearing D.L.No.TN-49-20050004591.

2.The present writ petition is inspired from the decision of the Division Bench of this Court in the case of **P.Sethuraman Vs. the Licensing Authority** reported in **(2010) 2 MLJ 778**. It is submitted that the seizure and confiscation of driving licence is contrary to the provisions of the Motor Vehicles Act, 1988.

3.The learned Additional Government Pleader for the respondents submits that the petitioner has been issued with a show cause notice, dated 27.04.2022. It is further submitted that the petitioner was involved in a major accident on 19.03.2022 while driving the State Transport Corporation Bus bearing Registration No.TN-68-N-1140 and that the accident resulted in one death and serious injury and therefore, FIR has been lodged in Crime No.300 of 2022 on 20.03.2022 at Orathanadu Police Station and that the report of the Inspector of Police has also been submitted before the Judicial Magistrate, Orathanadu. That apart, it is submitted that the petitioner has been issued with a show cause notice and therefore, the question of returning driving licence does not arise.



4.By way of rejoinder, the learned counsel for the petitioner has referred to the decision of this Court in W.P.(MD).No.7189 of 2022 passed on 19.04.2022 wherein, this Court referred to the decision of the learned Single Judge of this Court in W.P.(MD).No.5341 of 2022 in the case of **P.Mahalingam Vs. The Regional Transport Officer, Kumbakonam and others**, has passed the following order:

*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."

5.He further submits that the order in W.P.(MD).No.7189 on 2022 on 19.04.2022, was disposed of in terms of the above directions. The facts of this case is not materially different from the case in respect of which order came to be passed in W.P.(MD).No.7189 of 2022.

6.Under these circumstances, I direct the respondents to return the licence of the petitioner within a period of 15 days from the date of receipt of copy of this order. However, liberty is given to the respondents to complete the show cause notice proceedings within a period of 15 days from the date of receipt of copy of this order in which case the return of the licence of the petitioner will be subject to the final outcome of the decision to be taken in the show cause notice, dated 27.04.2022. The respondents are directed to serve the copy of the show cause notice immediately on the petitioner if it has not been served. The petitioner shall also co-operate with the respondents.



7.The writ petition stands disposed of with the above observations. No costs.

Sd/-

Assistant Registrar (Records)

WEB COPY

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

To

- 1.The Regional Transport Officer,
The Regional Transport Office,
Thanjavur.
- 2.The Inspector of Police,
Orathanadu Police Station,
Orathanadu,
Thanjavur District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.SPL.GP (SR-22355[F] dated 28/04/2022)

W.P (MD) .No.8295 of 2022
27.04.2022

RS (25.05.2022) 3P-5C