



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.06.2022

CORAM

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P. (MD) .No.10370 of 2022

R.Ramesh Kumar

... Petitioner

Vs.

1.The Regional Transport Officer,
Regional Transport Office,
Collectorate Complex,
Chettianayakkanpatti Post,
Thadikombu Road,
Dindigul-624 001.

2.The Regional Transport Officer,
Regional Transport Office,
Aravind Vaniga Valagam,
Dindigul Road,
Palani-624 601,
Dindigul District.

3.The Inspector of Police,
Ayakudi Police Station,
Ayakudi, Dindigul 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 second respondent to return the petitioner's Original Driving License bearing No.TN 41 19990003166 to him forthwith.

For Petitioner	:	Mr.S.Prasanth
For Respondents	:	Mr.S.Kameshwaran, Government Advocate.

ORDER

The present writ petition has been filed seeking a mandamus to return the driving license of the petitioner forthwith.

2. The petitioner was involved in a fatal accident while he was working as a Driver. According to the petitioner, his driving license was seized by the third respondent and later it was handed over to the second respondent.



3. Learned counsel for the respondent authorities submitted that the petitioner has been issued with the show-cause notice on 19.05.2022 to appear for the enquiry.

4. In view of a Division Bench judgment of our High Court in **P.Sethuram vs. The Licensing Authority - The Regional Transport Officer**, reported in (2010) 2 MLJ 778, the respondents authorities have no legal right to seize the driving license of the writ petitioner without arriving at a conclusion that he is guilty of rash and negligent driving. Hence, this writ petition stands allowed. The second respondent is directed to forthwith return the driving license to the writ petitioner. However, this order will not prevent the authorities from proceeding with the enquiry or passing any orders. Thereafter the respondents authorities will entitle to seize or suspend the license as the case may be. No costs.

Sd/-

Vacation Officer

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

pkn/btr

To

1.The Regional Transport Officer,
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Thadikombu Road,
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Dindigul District.

3.The Inspector of Police,
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Ayakudi, Dindigul District.

+1 CC to M/s.SPL.GP (SR-24251[F] dated 02/06/2022)

W.P. (MD) .No.10370 of 2022

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MGJ(09.06.2022) 2P 5C

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