



W.P. (MD) No. 29259 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.12.2022

C O R A M

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P. (MD) No. 29259 of 2022

K.Muniyasamy

... Petitioner

Vs.

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

2.The Inspector of Police,
Aruppukottai Taluk Police Station,
Aruppukottai,
Virudhunagar District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the constitution of India, to issue a Writ of Mandamus, directing the first respondent to return the driving license of the petitioner bearing D.L.No.TN-67-20040003157 forthwith.

For Petitioner

: V.R.Arunkumar



W.P. (MD) No. 29259 of 2022

For R1 : Mr. N.Satheeshkumar
Additional Government Pleader
For R2 : Mr.S.Ravi
Additional Public Prosecutor

ORDER

The present Writ Petition has been filed by the driver of the Tamil Nadu State Transport Corporation Bus seeking a Mandamus directing the first respondent to return his original driving license.

2. According to the petitioner, he was involved in a fatal accident and his driving license was seized by the police authority on 16.11.2022.

3. The learned counsel for the respondents 1 and 2 would submit that a show cause notice has been issued to the petitioner on 07.12.2022 and the enquiry is yet to be concluded.

4. In view of the order passed by the Hon'ble Division Bench of this Court in *WP(MD).No.176 of 2009, dated 22.06.2009* in the case of



W.P. (MD) No. 29259 of 2022

(S.Murugesan Vs.The Licensing Authority, The Regional Transport

Officer, Trichy), the respondent / authority has no power to physically impound the driving license without conducting an enquiry and concluding the same as against the petitioner. Hence, the physical seizing or confiscating of the driving license by the second respondent and handing over to the first respondent is *per se* illegal.

5. The Writ Petition stands allowed and the first respondent is directed to return the driving license to the writ petitioner on production of this order copy. This order will not prevent the first respondent from conducting an enquiry and on the basis of the enquiry report, he is at liberty to proceed further and impound the driving license if required. No costs.

28.12.2022

Index : Yes/No
Internet : Yes/No
Lm/pkn



W.P. (MD) No. 29259 of 2022

WEB COPY TO:

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W.P. (MD) No. 29259 of 2022

R.VIJAYAKUMAR,J.

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W.P. (MD) No. 29259 of 2022

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