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W.P.No.8147 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.03.2023

CORAM

THE HONOURABLE MR. JUSTICE RMT.TEEKAA RAMAN

W.P.No.8147 of 2023

P.Elumalai (D.50072)
S/o.Perumal
No.2/4, Desigan Street
Thandalam Anna Nagar
Chennai 600 077

... Petitioner

Vs.

1.The Regional Transport Officer (South-West)
No.47 & 49, Kalamman Koil Street
Sai Nagar, Virugambakkam
Chennai 600 092

2.The Inspector of Police
R4-Pondy Bazar
Traffic Investigation Wing
T.Nagar, Chennai 600 017.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus directing the first Respondent herein to return the Petitioner's Driving license bearing DL.No.TN-2020080003888 forthwith.

For Petitioner

: Mr.K.J.Sivakumar



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For Respondents

: Mr.A.M.Ayyathurai
Government Advocate

ORDER

This Writ Petition has been filed seeking direction to the first Respondent herein to return the Petitioner's Driving license bearing DL.No.TN-2020080003888 forthwith.

2.Heard the learned counsel appearing on behalf of the Petitioner and learned Government Advocate appearing on behalf of the Respondents.

3.The vehicle driven by the Petitioner as driver in the Transport Corporation Bus was met with an accident on 31.12.2022 and his license seems to have been impounded by the police and handed over to the RTO and show cause notice was also issued under Section 19(1) of the Motor Vehicles Act on 16.01.2023.

4.In this regard, the learned counsel for the Petitioner relied upon the judgment made by the Division Bench of this Court in W.A.(MD).No.176 of 2009 and order made by this Court in WP(MD).No.12345 of 2022 dated



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whereby this Court categorically held that the authorities have no power to impound the driving license, but they can take action for cancellation of license. In this case, without conducting any enquiry, the driving license of the Petitioner was impounded and hence, I hereby ordered for the release of the driving license of the Petitioner within a period of three days, from the date of receipt of a copy of this order.

5.The learned Government Advocate is directed to inform the RTO about the passing of this order and it is hereby made clear that the passing of this order does not interfere with the statutory proceedings to be initiated and action taken by the Respondents under the Motor Vehicles Act against the Petitioner.

6.With these directions, this Writ Petition is allowed. No costs.

20.03.2023

Index : Yes/No
Neutral citation : Yes/No
Speaking Order/Non-Speaking Order

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RMT.TEEKAA RAMAN.J,

sai

To

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