



WEB COPY



W.P.No.34767 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.01.2023

CORAM:

THE HONOURABLE MR.JUSTICE N. SATHISH KUMAR

W.P.No.34767 of 2022

A.S.Sakthiman

... Petitioner

Vs.

1.The Inspector of Police
TIW R-4, Pondy Bazar Police Station
Chennai-17

2.The Licensing Authority cum
Regional Transport Officer
Chennai South West
Chennai-92

... Respondents

PRAYER: Writ petition filed under Article 226 of the Constitution of India praying to issue a Writ of mandamus directing the 2nd respondent herein to return the original driving license (DL No.TN04 19830001318) to the petitioner forthwith.

For Petitioner : Mr.K.Hariharan

For Respondents : Mr.K.M.D.Muhilan, AGP

ORDER

Writ petition is filed seeking to issue a Writ of mandamus directing the 2nd respondent herein to return the original driving license (DL



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No.TN04 19830001318) to the petitioner forthwith.

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2. The case of the petitioner is that he is a Driver, working in the Metropolitan Transport Corporation, Chennai. On 13/11/2022, while he was driving the bus, bearing Registration No.TN-01-AN-2583, involved in an accident with a two wheeler bearing vehicle No.TN-10-BK-9776 and he died on the spot. A complaint was given and the same was registered in Crime No.261 of 2022, for the offences punishable under Sections 279 and 304 A of the Indian Penal Code. During the course of investigation, the driving license of the petitioner was seized and it was handed over to the first respondent. Hence the petitioner had made a representation, dated 23/11/2022 to the second respondent to return the original driving license. Since the same was not acted upon, present writ petition has been filed.

3. Heard Mr.K. Hariharan, learned counsel for the petitioner and Mr.K.M.D.Muhilan, learned Additional Government Pleader for the respondents.

4. The issue involved in this writ petition is squarely covered by the



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judgment of the Division Bench in P.SETHURAMAN Vs. THE LICENSING AUTHORITY, THE REGIONAL TRANSPORT OFFICER, DINDIGUL, reported in 2010 Writ Law Reporter 100. The Division Bench judgment has been subsequently followed by this Court in various orders. In W.P.No.18144 of 2021 (K.ARUMUGAM Vs. THE LICENSING AUTHORITY/REGIONAL TRANSPORT AUTHORITY, OFFICE OF THE REGIONAL TRANSPORT AUTHORITY, TAMBARAM, CHENNAI,) dated 6/8/2021, this Court had relied upon the judgment of the Division Bench and held that mere Registration of First Information Report, will not be a ground to impound the original licence or to make any endorsement therein or suspend the same, if it does not satisfy the requirements of Section 19 (1) of the Motor Vehicles Act, 1988. The said judgment will squarely apply to the facts of the present case.

5. No such order is passed under Section 19(1) of the Motor Vehicles Act, 1988. the second respondent is directed to return the driving licence of the petitioner forthwith. It is well open them to exercise the power provided under Section 19 (1) of the Motor Vehicles Act, 1988 and pass detailed order thereafter.



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6. With the above directions, this writ petition is disposed of. No costs.

02.01.2023

kpr

Internet: Yes

Index: Yes/No

Neutral citation: Yes/No

To

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N. SATHISH KUMAR, J.

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