



W.P.(MD)No.12142 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.05.2023

CORAM:

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD)No.12142 of 2023

N.Dakshinamoorthy

... Petitioner

Vs.

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

2.The Sub Inspector of Police,
Traffic Investigation Wing
Thanjavur.

.... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the first respondent to return the original driving licence No.TN 49 19870000640 of the petitioner to him forthwith.

For Petitioner : Mr.A.Balaji

For Respondents : Mr.P.Thambidurai,
Government Advocate



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

6. 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. No costs.

18.05.2023

Index : Yes / No
Internet : Yes / No
NCC : Yes/No
RM



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L.VICTORIA GOWRI, J.

RM

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