



W.P.(MD).No.12144 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 18.05.2023

CORAM:

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD)No.12144 of 2023

A.Dhiravidamani

... Petitioner

Vs.

1.The Regional Transport Officer,
Mannargudi,
Thiruvavarur District.

2.The Sub Inspector of Police,
Mannargudi Taluk Police Station,
Thiruvavarur District.

.... 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 19920001085 of the petitioner to him forthwith.

For Petitioner : Mr.A.Balaji

For Respondents : Mr.V.Om Prakash

Government Advocate



W.P.(MD).No.12144 of 2023

ORDER

WEB COPY

The present Writ Petition has been filed by the driver of the Tamil Nadu State Transport Corporation (Kumbakonam) Limited for a Mandamus to return the original driving licence that was seized by the second respondent and handed over to the first respondent.

2. According to the petitioner, he was involved in a fatal accident on 06.05.2023 and his driving license was seized by the second respondent and the same was handed over to the RTO officials.

3. According to the learned counsel appearing for the petitioner, a representation dated 08.05.2023 given to the first respondent requesting to return the original driving licence. Since the same has not been considered so far, the present writ petition has been filed.

4. According to the learned Government Advocate for the respondents a show cause notice has to be issued to the petitioner.



W.P.(MD).No.12144 of 2023

WEB COPY

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

3/5



WEB COPY



W.P.(MD).No.12144 of 2023

To

- 1.The Regional Transport Officer,
Mannargudi,
Thiruvarur District.
- 2.The Sub Inspector of Police,
Mannargudi Taluk Police Station,
Thiruvarur District.



WEB COPY



W.P.(MD).No.12144 of 2023

L.VICTORIA GOWRI, J.

RM

W.P.(MD)No.12144 of 2023

18.05.2023