



W.P.(MD).No.16733 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 12.07.2023

CORAM

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P.(MD).No.16733 of 2023

S.Rajasekaran

... Petitioner

Vs.

1.The Regional Transport Officer,
Pirattiyur,
Trichy District.

2.The Inspector of Police,
Traffic Investigation Wing (South) Police Station,
Trichy District.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a ***Writ of Mandamus***, directing the first respondent to return the original driving license No.TN 45 19990012883 of the petitioner herein forthwith.

For Petitioner : Mr.Balaji

For Resondents : Mr.R.Suresh Kumar
Additional Government Pleader.

ORDER

This writ petition has been filed seeking ***Writ of Mandamus*** to direct the first respondent to return the petitioner's original driving license No.TN 45 19990012883.



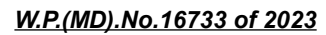
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2. Heard the learned counsel on either side. With their consent, the writ petition is taken up for final disposal at the admission stage itself.

3. The petitioner is a driver employed in the Tamil Nadu State Transport Corporation (Kumbakonam) Limited. When he was driving the vehicle bearing Registration No.TN 45N 4259 on 26.06.2023, it was involved in a fatal accident. The 2nd respondent has registered a case in Crime No.168 of 2023 for the offences under Sections 279, 337 and 304(A) of IPC. The petitioner's driving license has since been seized. Seeking its return, the writ petition came to be filed.

4. The specific case of the petitioner is that he is no way responsible for the unfortunate occurrence and that the very registration of the First Information Report against him is illegal. Without issuing any show cause notice and without passing any final order, the petitioner's driving license has been seized by the second respondent and the same has been handed over to the first respondent. The same is questioned in this writ petition.

5. The learned Additional Government Pleader strongly opposed the prayer in this writ petition.



“The respondent has, in the impugned order, pre-concluded the issue that the appellant is guilty of rash and negligent driving, even before the Criminal Court or the Motor Accident Claims Tribunal went into the issue. Even to invoke Section 19(1)(c), it is necessary to show that the Motor Vehicle is used in the commission of a cognizable offence. Without making a specific averment regarding the same, the order suspending the driving licence cannot be taken to be passed after due application of mind”.



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8. Respectfully following the same, the writ petition is allowed.

The respondents are directed to return the petition mentioned original driving license to the petitioner immediately and without any delay. No costs.

12.07.2023

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

ksa

Note : Issue a copy of order, on 13.07.2023

To

- 1.The Regional Transport Officer,
Pirattiyur,
Trichy District.
- 2.The Inspector of Police,
Traffic Investigation Wing (South) Police Station,
Trichy District.



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S.SRIMATHY, J.

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