



W.P(MD)No.31342 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.12.2023

CORAM:

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P(MD)No.31342 of 2023
and
W.M.P(MD)No.26896 of 2023

A.V.Krishnasamy

... Petitioner

Vs.

1.The Regional Transport Officer
and Licensing Authority,
Office of the Regional Transport Office,
Transport Department,
Theni,
Theni District.

2.The Inspector of Police,
Veerapandi Police Station,
Theni,
Theni District.
(In Crime No.431 of 2023)

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents to forthwith return his original driving license bearing DL.No.TN-4119960004682 to him within a time limit that may be fixed by this Court.



W.P(MD)No.31342 of 2023

WEB COPY

For Petitioner : Mr.M.Manivannan
For Respondents : Mr.T.Amjad Khan
Government Advocate

ORDER

The present Writ Petition has been filed by the petitioner for issuance of a Writ of Mandamus, directing the respondents to forthwith return the original driving license bearing DL.No.TN-4119960004682 to him within the time stipulated by this Court.

2.By consent of both parties, this Writ Petition is taken up for final disposal at the admission stage itself.

3.Heard Mr.M.Manivannan, learned counsel appearing for the petitioner and Mr.T.Amjad Khan, learned Government Advocate, who takes notice for the respondents and perused the materials available on record.



W.P(MD)No.31342 of 2023

WEB COPY

4.The petitioner was issued with driving license on 18.11.1996. Thereafter, he was working as a Driver in the Tamil Nadu State Transport Corporation (Coimbatore) Limited, Karur Region. A criminal case has been registered against the petitioner on 07.12.2023 on the file of the second respondent Police Station in Crime No.431 of 2023 on the basis of the complaint given by one Gujjula Vaddiaraju, son of Subbarayudu, alleging that the bus bearing Registration No.TN-38-N-3238 driven by the petitioner caused the accident on 07.12.2023 at 01.30 a.m., resulting in injuries of co-passengers, who travelled in the car. The injured were taken to Kana Vilakku Government Hospital Kana Vilakku. The second respondent seized the petitioner's driving license on 11.12.2023 and forwarded the same to the first respondent for taking action against him under the provisions of the Motor Vehicles Act. On 19.12.2023, the petitioner made a representation to the first respondent requesting to return his driving license. However, the first respondent declined to return his driving license. Since the said representation has not been considered so far, the present Writ Petition has been filed.



W.P(MD)No.31342 of 2023

WEB COPY

5.The learned Additional Government Pleader appearing for the first respondent submitted that a show-cause notice is yet to be issued for conducting disciplinary enquiry as against the petitioner.

6.However, this issue is no more *res integra*. 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 the same to the first respondent is per se illegal.

7.Accordingly, the Writ Petition stands allowed and the first respondent is directed to return the driving license to the writ petitioner on production of the copy of this order. However, I make it clear that this order will not prevent the first respondent from conducting an enquiry and based on the enquiry report, the first



W.P(MD)No.31342 of 2023

respondent is at liberty to proceed further and if necessary, impound the driving license of the petitioner. There shall be no order as to costs.

Consequently, connected Miscellaneous Petition is closed.

28.12.2023

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

To

- 1.The Regional Transport Officer
and Licensing Authority,
Office of the Regional Transport Office,
Transport Department,
Theni,
Theni District.
- 2.The Inspector of Police,
Veerapandi Police Station,
Theni,
Theni District.



WEB COPY



W.P(MD)No.31342 of 2023

L.VICTORIA GOWRI, J.

ps

W.P(MD)No.31342 of 2023

28.12.2023