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W.P.No.2904 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.02.2024

CORAM

THE HONOURABLE Ms.JUSTICE R.N.MANJULA

W.P. No.2904 of 2024

T.Kirubakaran

...

Petitioner

/vs/

The Regional Transport Officer / Licensing Authority,
Office of the Regional Transport Officer,
Transport Department,
Government of Tamil Nadu,
RTO, Perambalur Zone,
Tamil Nadu – 621 704.

... Respondents

Writ Petition is filed under Article 226 of the Constitution of India
to issue a writ of mandamus to direct the respondent to return the original
driving license bearing No.TN-21X-19970001237 to the petitioner.

For Petitioner ... Mr.A.Prabhakaran

For Respondents ... Mr.V.Ravi
Special Govt. Pleader



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ORDER

The petitioner has filed this petition seeking a writ of mandamus to direct the respondent to return the original driving license bearing No.TN-21X-19970001237 to the petitioner.

2. The petitioner is employed as a Driver at Tamil Nadu State Transport Corporation (Villupuram Ltd.) attached to Kanchipuram Division. He was assigned with the duty of plying Route No.129/CA and he was handed over with the bus bearing No.TN-21-N-2021. On 10.02.2023, an accident had occurred and in view of that FIR was registered in Cr.No.915/2023 under Section 279 & 337 IPC and the petitioner was shown as an accused in the said case. During the course of investigation, the petitioner's license was seized and it is now in the custody of the respondents. Since no charge sheet has been filed against the petitioner and the seizure was not done in accordance with law, the petitioner has filed this petition.



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3. Mr.A.Prabhakaran, the learned counsel for the petitioner, submitted that the licensing authority is not entitled to retain the driving license without passing any order of suspension and the legal position on this has been well settled by the judgment of the Division Bench of this Court in ***P.Sethuraman Vs. Licensing Authority, Regional Transport Officer, Dindigul*** reported in 2010 WLR 100.

4. Mr.V.Ravi, the learned Special Government Pleader, submitted that the petitioner has already given his explanation to the show cause notice issued to him and the respondents shall consider the same and pass orders.

5. The records would only show that the license has been seized from the petitioner even before an order has been passed by the respondent. According to the learned Special Government Pleader for the respondent, the license was not seized by the respondent directly. But it is the police who had seized the licence and handed over it to the respondent.



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6. Since show cause notice has already been given and the petitioner had also submitted his explanation, this Court directs the respondents to pass an order in this regard within a period of two weeks from the date of receipt of a copy of this order. If the petitioner is still aggrieved with the outcome of the order, then he is at liberty to file a fresh writ petition challenging the same if needed.

7. With the above direction, this Writ Petition is disposed. No costs.

09.02.2024

Index: Yes / No
Speaking order / Non-speaking order
bkn



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The Regional Transport Officer / Licensing Authority,
Office of the Regional Transport Officer,
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R.N.MANJULA ,J.

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