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W.P.No.11590 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.04.2024

CORAM :

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.11590 of 2024

V.Balamurugan

.. Petitioner

Versus

1. The Regional Transport Officer,
The Regional Transport Office - West,
Coimbatore District.
2. The Motor Vehicle Inspector,
Regional Transport Office - West,
Coimbatore District.
3. The Inspector of Police,
Perur Police Station,
Coimbatore District.
(Crime No.110/2024).

.. Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, pleased to issue a Writ of Mandamus directing the respondents to forthwith return the petitioner's original license bearing DL.No.TN-4119970004601 to the petitioner within a time frame fixed by this Court.

For Petitioner : Mr.A.Saravanan

For Respondents : Mr.Murali Vinoth,
Standing Counsel for RR-1 and 2



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W.P.No.11590 of 2024



W.P.No.11590 of 2024

WEB COPY

ORDER

This petition is filed seeking for a direction to the respondents to forthwith return the petitioner's original license bearing DL.No.TN-4119970004601 to the petitioner within a time frame fixed by this Court.

2. The petitioner is involved in a criminal case in Crime No.110 of 2024 for the offences under Sections 279 and 304(A) of the Indian Penal Code. In view of the road accident case, the petitioner's license has been handed over to the first respondent during the enquiry. However, it is not returned to him till date.

3. The issue involved is no longer *res integra* and is covered by the earlier order of this Court in W.P.(MD).No.8792 of 2021, dated 29.04.2021. The said order is also followed in W.P.No.16895 of 2021. The operative portion of the order in W.P.(MD).No.8792 of 2021 is extracted hereunder :-

" 6. The issue that is involved in the present writ petition is squarely covered by the earlier orders passed by this Court, wherein, this Court has consistently taken the view that, without passing orders under Section 19(1) of the Motor Vehicles Act, the original driving licence cannot be permanently impounded. It will be useful to extract one such order passed by this Court in W.P.(MD).No.3527 of 2020, dated 21.02.2020.



WEB COPY



W.P.No.11590 of 2024

"7. It is settled law that until the licence or any certificate issued by the competent authority is cancelled or suspended or revoked in the manner known to law, it is deemed to be in force. The impounding of licence will come only after passing of the order as per the relevant provisions of the statute, in this case, under Section 19 of the Motor Vehicles, Act, 1988.

8. In similar circumstances, a Division Bench of this Court, in *P.Sethuram v. The Licensing Authority, The Regional Transport Officer, Dindigul*, reported in 201 Writ L.R.100, held that even before passing the order under Section 19 of the Motor Vehicles Act, 1988, if driving licence is impounded, it amounts to pre-determination of the issue and the authority has no jurisdiction to do so.

9. I do also respectfully agree with the views of the Division Bench of this Court and in the instant case, the respondents have no power to impound the driving licence of the petitioner and retain it with him. The petitioner is a driver and he is entitled to use the licence till it is legally cancelled or suspended.

10. In such circumstances, a direction is issued to the first respondent. The Regional Transport Officer, Trichy District, to return the original driving licence bearing D.L.No.TN5019920000594 to the petitioner forthwith, on receipt of a copy of this order.""

4. In view thereof, there shall be a direction to the first respondent to return the original driving license in DL.No.TN-4119970004601 to the petitioner within two weeks from the date of receipt of a copy of this order.

There shall be no order as to costs.



W.P.No.11590 of 2024

25.04.2024

Index : yes

Speaking order

Neutral Citation : no

grs

To

1. The Regional Transport Officer,
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D.BHARATHA CHAKRAVARTHY, J.

grs

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