



W.P.No.16417 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 24.06.2024

CORAM

THE HONOURABLE Ms. JUSTICE P.T. ASHA

W.P.No.16417 of 2024

G. Kannan

...Petitioner

Vs.

1.The Regional Transport Officer (RTO)
Licensing Authority,
Regional Transport Office,
West Tambaram, Chennai – 600 045.

2.The Inspector of Police
Traffic Investigation wings,
T-2, Chrompet Police Station,
Chennai – 600 064.

...Respondents

Prayer: Writ Petition is filed under Article 226 to issue Writ of Mandamus or any other writ or order or direction in the nature of the Writ directing the 1st respondent to return the original driving license of the petitioner vide DL No.T.N.10 199 2000 0199 issued on



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06.04.1992 and valid upto for Transport vehicle – 04.07.2027 and Non Transport vehicle – 04.04.2030 which was seized by the 2nd respondent Police from the petitioner forthwith.

For Petitioner : Mr. R.Ravindran
For Respondent 1: Mr. M.Shahjahan
Special Government Pleader
For Respondent 2: Mr. C.E.Pratap
Government Advocate (Crl side).

ORDER

The Writ Petition has been filed seeking direction to the 1st respondent to return the original driving license of the petitioner vide DL No.T.N.10 199 2000 0199 issued on 06.04.1992 and valid upto for Transport vehicle – 04.07.2024 and Non Transport vehicle – 04.04.2030 which was seized by the 2nd respondent Police from the petitioner forthwith.

2. Heard the learned counsels and perused the records.



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3.The provisions of Section 19 of the Motor Vehicles Act deals with the powers of the licensing authority to disqualify a person from holding driving license or to revoke such license. Sub Section (1) of Section 19 clearly specifies that before passing orders of disqualifying a person from holding license or revoking license, the holder of the license has to be given an opportunity of being heard and the licensing authority for reasons to be recorded in writing and state that the holder of the driving license comes within any of the criteria set out in Section 19 (1) (a) – (h). It is only thereafter that the order for disqualifying the person from holding a license or revoking license can be passed. Admittedly, in the instant case, the provisions of Section 19 (1) has been given a complete go by. Further, that the petitioner is guilty of rash and negligent driving is yet to be proved. Therefore, the seizure of the driving licence by the 2nd respondent is without any legal authority.



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4. On an earlier occasion the very same issue has been dealt in the Judgement reported in **2010 WLR 100 – P.Sethuram Vs. The Licensing Authority, the Regional Transport Officer, Dindigul**, wherein the Hon'ble Division Bench of this Court had also held that the license has to be returned.

5. Therefore, the respondents are directed to return the driving license within a period of one week from the date of receipt of a copy of this order. This however does not prevent the respondents from initiating any action if at a latter point in time the petitioner is found guilty of rash and negligent driving.

6. In the result, the Writ Petition is disposed in the above lines.

No costs.

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Index : Yes/No
Internet : Yes/No
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To

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P.T. ASHA, J,

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