



W.P.No.25370 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.09.2024

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.25370 of 2024

P.Anburajan

... Petitioner

Vs

1. The Regional Transport Officer,
Dharapuram RTO Office,
Tirupur District 638 656.

2. The Inspector of Police,
Kundadam Police Station,
Tirupur District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, directing the 1st respondent to release the driving license of the petitioner Driving License No.TN. 58 19970003191, issued by the RTO, Usilampatti, valid Upto 12.09.2026, under his custody which license was handed to the 1st respondent by the 2nd respondent in pursuance of the road accident which took place on 12.07.2024 at Rudravath, Kuntatam Police Station Limit, Tirupur District forthwith to enable the petitioner to drive government transport vehicle.

For Petitioner : Mr.K.A.Mariyappan



WEB COPY



W.P.No.25370 of 2024

For R1 : Mr.V.Manoharan
Additional Government Pleader
For R2 : Mr.A.Gopinath
Government Advocate (Crl.side)

ORDER

This writ petition has been filed for direction directing the first respondent to return the driving license of the petitioner.

2. Heard the learned counsel on either side and perused the materials available on record.

3. The petitioner is a Driver under the Tamil Nadu State Government Transport attached to the Madurai Mofussil Depot. While the petitioner was driving the Government bus from Coimbatore to Madurai at Rudravathi, Tirupur District, a person driving in a Tractor with Trailer on the right hand side of the road, suddenly without any signal or seeing the bus, turned the Tractor on the left hand side, due to which the petitioner's bus hit the Tractor. Therefore, the driver of the Tractor sustained injuries and died due to the injuries sustained by him. In fact, the Driver of the Tractor was not having any driving license.

4. Pursuant to the said accident, FIR was registered in Crime



W.P.No.25370 of 2024

No.196 of 2024 for the offences punishable under Sections 281, 125(a) and 106 of the Bharatiya Nyaya Sanhita (BNS) Act, 2023 dated 13.07.2024. Pursuant to the registration of FIR, the petitioner was formally arrested and released on bail. The petitioner had handed over the documents relating to the vehicle as well as the original driving license to the second respondent. In turn, the second respondent forwarded the original driving license before the first respondent.

5. Admittedly, the FIR is pending for investigation. Therefore, the first respondent ought not to have seized the license without any order of conviction as against the petitioner. Further, the petitioner did not use the vehicle or his license for any illegal purpose. It was an accident and due which, the driver of the Tractor succumbed to the injuries.

6. In view of the above, the first respondent is directed to return the license vide TN. 58 19970003191 to the petitioner, forthwith.

7. Accordingly, this writ petition stands allowed. No costs.



W.P.No.25370 of 2024

03.09.2024

WEB COPY

Internet: Yes

Index : Yes/No

Neutral Citation : Yes/No

Speaking/Non Speaking order
mn



WEB COPY



W.P.No.25370 of 2024

To

1. The Regional Transport Officer,
Dharapuram RTO Office,
Tirupur District 638 656.
2. The Inspector of Police,
Kundadam Police Station,
Tirupur District.



WEB COPY



W.P.No.25370 of 2024

G.K.ILANTHIRAIYAN. J.

mn

W.P.No.25370 of 2024

03.09.2024