



W.P.(MD)No.3368 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 15.02.2024

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P.(MD)No.3368 of 2024

Abubakkar

... Petitioner

versus

1. The Regional Transport Officer,
Office of the Regional Transport Officer,
Sivagangai District – 630 560.
2. The Motor Vehicle Inspector,
Unit Transport Office,
Karaikudi,
Sivagangai District – 630 003.
3. The Inspector of Police,
Aravayal Police Station,
Aravayal,
Sivagangai District.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, seeking for the issuance of Writ of Mandamus, to direct the 1st and 2nd respondents to return the original driving licence No.TN6320000001970 to the petitioner, based on the petitioner's



W.P.(MD)No.3368 of 2024

representation dated 26.12.2023 within the time frame to be fixed by this Court.

For Petitioner : Mr.S.Arjun
For R1 and R2 : Mr.A.Baskaran,
Additional Government Pleader
For R3 : Mr.M.Vaikkam Karunanidhi,
Government Advocate (Crl. Side)

ORDER

The petitioner is a driver. He was involved in an accident in the year 2021, when he was driving a lorry bearing Reg.No.TN37 BP7677. Therefore, a criminal case was registered against him for the offence under Section 304A IPC, in Crime No.20 of 2021, on the file of the Aravayal Police Station and the petitioner's driving licence was seized by the 3rd respondent and the same was handed over to the 2nd respondent. The petitioner has made a representation dated 26.12.2023 to the respondents requesting them to return his driving licence. However, there was no response on the said representation. Therefore, the petitioner has approached this writ petition for a Mandamus directing the respondents 1 and 2 to return his driving licence, by



W.P.(MD)No.3368 of 2024

considering his representation dated 26.12.2023.

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2. The learned counsel for the petitioner submits that the petitioner's driving licence was seized by the respondent Police on the date of occurrence, i.e. on 01.02.2021. The learned counsel for the petitioner has relied upon the order of this Court passed in W.P. (MD)No.29721 of 2023 dated 12.01.2024, wherein, this Court has held that the respondent Police cannot seize the driving licence. Therefore, the petitioner has filed this writ petition for return of his driving licence.

3. The learned Government Advocate (Crl. Side) appearing for the 4th respondent submits that the case in Crime No.20 of 2021 has been charge sheeted and the case is pending trial before the learned Judicial Magistrate, Devakottai in C.C.No.97 of 2021. He also submits that except the Investigating Officer, all the witnesses have been examined and the trial would be completed within a period of one



W.P.(MD)No.3368 of 2024

month.

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4. The learned Additional Government Pleader appearing for the respondents 1 to 3 submits that since the petitioner was no available at the time of enquiry, they have not conducted the enquiry. If the petitioner is available for enquiry, they would conduct the enquiry and take action in accordance with law.

5. This Court considered the rival submissions made and perused the materials placed on record.

6. The petitioner has filed this writ petition for return of his driving licence which was seized in the year 2021. The petitioner is an accused in Crime No.20 of 2021 and the case is pending before the learned Judicial Magistrate, Devakoattai, in C.C.No.97 of 2021. From the statement of the learned Government Advocate (Crl. Side), it appears that the trial in C.C.No.97 of 2021 is about to be completed



W.P.(MD)No.3368 of 2024

and the Investigating Officer alone has to be examined.

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7. Therefore, this writ petition is disposed of with a liberty to the petitioner to approach the first respondent, after conclusion of the trial in C.C.No.97 of 2021. The respondents shall take a decision of returning the petitioner's driving licence, based on the outcome of the result in C.C.No.97 of 2021. No costs.

15.02.2024

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NCC : Yes / No.

Index : Yes / No.

Internet : Yes / No.

To

1. The Regional Transport Officer,
Office of the Regional Transport Officer,
Sivagangai District – 630 560.
2. The Motor Vehicle Inspector,
Unit Transport Office,
Karaikudi,
Sivagangai District – 630 003.



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W.P.(MD)No.3368 of 2024

B.PUGALENDHI, J.

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3. The Inspector of Police,
Aravayal Police Station,
Aravayal,
Sivagangai District.

W.P.(MD)No.3368 of 2024

15.02.2024