



W.P(MD)No.7460 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 26.03.2024

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.7460 of 2024

S.Sivaraman

... Petitioner

Vs.

1.The Inspector of Police,
Kollidam Police Station,
Trichy District.

2.The Regional Transport Officer,
Srirangam Zone,
Trichy – 641 605.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the second respondent herein to return the petitioner's Driving License bearing DL. No. TN2819870000593, forthwith.

For Petitioner : Mr.N.K.Ponraj

For Respondents : Mr.A.Albert James
Government Advocate (Criminal Side)
for R.1



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Mr.A.Kannan
Additional Government Pleader for R.2

ORDER

Heard both sides.

2.The writ petitioner is working as driver in Tamil Nadu State Transport Corporation (Kumbakonam) Limited, Sub Urban Branch of Trichy Region. On 27.02.2024, the bus driven by him met with a fatal accident. Crime No.49 of 2024 was registered on the file of Kollidam Police Station. The petitioner's license was seized by the first respondent and handed over to the second respondent. Seeking its return, the present writ petition came to be filed.

3.The issue raised in this writ petition is no longer *res integra*. The Hon'ble Division Bench of the Madras High Court in the decision reported in **2010 WLR 100 (P.Sethuraman Vs. The Licensing Authority, The Regional Transport Officer, The Regional Transport Officer, Dindigul)** had settled the issue. It has been recently followed by a learned Judge of this court in W.P(MD)No.6202 of 2024 on 14.03.2024.

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I am inclined to follow them. It has been held that it is not for the Regional Transport Authority or Regional Transport Officer to prejudge the guilt of the petitioner even before filing of the final report by the jurisdictional Police in the criminal case registered against the petitioner.

4.I direct the second respondent to return the petitioner's driving license within a period of one week from the date of receipt of a copy of this order. It is open to the authorities to take action as per law at the appropriate stage.

5.This writ petition is allowed accordingly. There shall be no order as to costs.

26.03.2024

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
MGA

To

1.The Inspector of Police,
Kollidam Police Station,
Trichy District.

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2.The Regional Transport Officer,
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