



W.P.(MD) No.10753 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.04.2024

CORAM:

THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P.(MD) No.10753 of 2024

P.Periyakaruppan

... Petitioner

Vs.

1.The Regional Transport Officer,
The Regional Transport Office,
Thirumangalam,
Madurai.

2.The Inspector of Police,
Kallikudi Police Station,
Kallikudi,
Madurai.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus directing the 1st respondent to return the driving license of the petitioner bearing D.L.No.TN67 19870000030.

For Petitioner : Mr.S.Arunachalam

For R1 : Mr.S.P.Maharajan
Special Government Pleader



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For R2 : Mr.S.Manikandan
Government Advocate (Crl. Side)

ORDER

Heard the learned counsel for the petitioner, first respondent and second respondent.

2. The petitioner, who is a Special Grade Driver Level-5 in the Tamil Nadu State Transport Corporation, Madurai Ltd, attached to the Virudhunagar branch, was involved in an accident on 08.04.2024, when, by accidentally, turning over the bus on a motor cycle .

3. It is the case of the petitioner that the victim had consumed alcohol and CCTV footage also indicates the presence of alcohol bottle next to the deceased and thus, seizure of the petitioner's licence by the second respondent was unwarranted.

4. The learned counsel for the first respondent would submit that the



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first respondent has not recommended the cancellation of the licence of the petitioner.

5. On the other hand, the learned counsel for the second respondent would submit that the steps have been taken to cancel the licence as the petitioner is an accused in C.S.R.No.72 of 2024 before the Police Station, Kallikudi, Madurai District registered on 09.04.2023.

6. *Prima facie* case of the petitioner is that the death of the victim was on account of consumption of alcohol. It is informed that the postmortem report has also not been received by the second respondent from the Government Hospital.

7. Considering the same, the second respondent is directed to return the driving licence to the petitioner with a liberty to recover the same from the petitioner, in case, the postmortem report reveals that there was no consumption of alcohol by the victim.



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Accordingly, this Writ Petition stands disposed of, with above observations. No costs.

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Internet : Yes / No

apd

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C.SARAVANAN, J.

apd

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