



W.P.(MD)No.17586 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.07.2024

CORAM:

THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P.(MD) No.17586 of 2024

A.Moorthi

... Petitioner

Vs.

1.The Regional Transport Officer,
O/o.Regional Transport Office,
Manapparai Town,
Trichy.

2.The Regional Transport Officer,
O/o.Regional Transport Office,
Chengalpattu Town,
Chengalpattu Taluk and District.

3.The Sub Inspector of Police,
Padalam T4 Police Station,
Chengalpattu.

4.General Manager,
Tamil Nadu Transport Corporation,
Trichy Region,
Kumbakonam,
Thanjavur.

... Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus to direct the respondents 1 and 2 to return the original driving license bearing No.TN 45 19950004417.

For petitioner : Mr.N.Sudhagar Nagaraj

For respondents : Mr.G.Suriyananth
Additional Government Pleader for R1 & R2
Mr.A.Albert James
Government Advocate (Crl.Side) for R3
Mr.K.Ramaiah
Standing Counsel for R4

ORDER

Heard learned counsel for the petitioner, learned Additional Government Pleader for the respondents 1 and 2, Government Advocate (Crl.Side) for the third respondent and learned Standing Counsel for the fourth respondent.

2. The petitioner appears to be a Driver employed with the fourth respondent. The petitioner involved in an accident on 25.05.2024. An FIR came to be registered in Crime No.212 of 2024 under Sections 279, 337 & 338 of IPC before the third respondent/Police, which was later altered to Section 304A of IPC in addition to the offences under Sections 279, 337 & 338 of IPC.

3. The learned counsel for the petitioner submits that the petitioner has



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been suspended by the fourth respondent on 29.05.2024.

4. It is submitted that neither the third respondent nor the first and second respondents are entitled to seize and retain the Driving Licence of the petitioner in the light of the law settled by the Hon'ble Division Bench of this Court in ***P.Sethuraman vs The Licensing Authority, The Regional Transport Officer, The Regional Transport Office, Dindigul in W.A.(MD)No.374 of 2009 dated 30.07.2009.***

5. The learned counsel for the petitioner further submits that the said order of the Hon'ble Division Bench has been followed by this Court in several cases and drawn attention to the order of this Court in the case of ***R.Sivakumar vs. The Sub Inspector of Police, Tiruppur in W.P.(MD)No.15911 of 2022 dated 27.06.2022.***

6. The learned Additional Government Pleader for the respondents 1 and 2 would submit that the enquiry will be held and thereafter, the first respondent will pass orders for suspending the licence of the petitioner.



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7. It is noticed that still no show cause notice has been issued to the petitioner to suspend the licence under provisions of the Motor Vehicle Act, 1988, after the registration of FIR in Crime No.212 of 2024.

8. Under these circumstances, the question of retention of the petitioner's licence cannot be countenanced, in the light of the decision of the Hon'ble Division Bench in the case **P.Sethuraman**'s case (cited supra).

9. In view of the above, the Court is inclined to allow this Writ Petition at the time of admission by directing the respondents 1 and 2 to return the licence to the petitioner forthwith without prejudice to the rights of the respondents 1 and 2 for initiation of appropriate proceedings to cancel or suspend the petitioner's licence in accordance with the provisions of the Motor Vehicle Act, 1988.

This Writ Petition is allowed with above directions. No costs.

Index : Yes / No
Internet : Yes / No
apd

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C.SARAVANAN, J.

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