



W.P.(MD) No.27768 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.11.2024

CORAM:

THE HONOURABLE MR.JUSTICE K.KUMARESH BABU

W.P.(MD) No.27768 of 2024

S.Sivaraj

.. Petitioner

Vs.

1.The Regional Transport Officer,
Kumbakonam,
Thanjavur District.

2.The Inspector of Police,
Traffic Investigation Wing,
Kumbakonam, Thanjavur District.

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Mandamus, directing the first respondent to return the original driving license No.TN4519890005509 of the petitioner to him forthwith.

For Petitioner	:	Mr.A.Balaji
For R1	:	Mr.R.Suresh Kumar Additional Government Pleader
For R2	:	Ms.M.Aasha Government Advocate (Crl. Side)



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ORDER

This writ petition has been filed seeking a direction upon the first respondent to return the petitioner's original driving license bearing Number TN4519890005509 .

2. The learned counsel for the petitioner would submit that the petitioner is working as a Driver with the Tamil Nadu State Transport Corporation (Kumbakonam) Limited. Pursuant to an accident occurred on 31.10.2024, the first respondent herein had confiscated the petitioner's driving licence and hence, he is unable to perform his duty. He had also made a representation to the first respondent and the same had not evoked any response. Hence, he has approached this Court.

3. The petitioner's driving licence has been confiscated by the first respondent without following the due process of law. In such circumstance, this Court had already in a similar case in W.P.(MD) No. 29721 of 2023 batch, dated 12.01.2024, held that the respondent-Police cannot seize the driving licence of the Driver and that the Regional



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Transport Authority cannot prejudge the guilt of the Driver even before final report by the respondent-Police and had directed the Regional Transport Officer to return the driving licence of the petitioner.

4. Since the present facts of the case are also squarely covered to the judgment rendered by this Court in W.P.(MD) No.29721 of 2023 batch, I am inclined to issue the following directions:

- i. The first respondent-Regional Transport Officer is directed to return the driving licence of the petitioner within a period of one week from the date of receipt of a copy of this order;
- ii. It is open to the second respondent-Police to forward the relevant materials to the Regional Transport Officer after filing of the final reports in the criminal cases registered against the petitioner; and
- iii. On receipt of any such materials from the second respondent-Police, the first respondent shall take appropriate action as stipulated under Section 19 of the Motor Vehicles Act, 1988.



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5. With the aforesaid directions, this Writ Petition stands disposed of. There shall be no order as to costs.

27.11.2024

Note: Issue order copy by 29.11.2024

NCC : Yes/No

Index : Yes/No

Internet : Yes

abr

To

- 1.The Regional Transport Officer,
Kumbakonam,
Thanjavur District.
- 2.The Inspector of Police,
Traffic Investigation Wing,
Kumbakonam, Thanjavur District.



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K.KUMARESH BABU, J.

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