



WEB COPY



W.P. (MD) No. 29257 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.12.2022

C O R A M

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P. (MD) No. 29257 of 2022

M.Muthukumar

... Petitioner

Vs.

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

2.The Inspector of Police,
Thirumangalam Town Police Station,
Thirumangalam,
Madurai District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the constitution of India, to issue a Writ of Mandamus, directing the respondents to return the driving license of the petitioner bearing D.L.No.TN-58-19990005254 forthwith.

For Petitioner : V.R.Arunkumar

For R1 : Mr. S.P.Maharajan

Special Government Pleader



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For R2

: Mr.S.Ravi

Additional Public Prosecutor

ORDER

The present Writ Petition has been filed by the driver of the Tamil Nadu State Transport Corporation Bus seeking a Mandamus directing the respondents to return his original driving license.

2. According to the petitioner, he was involved in a fatal accident and his driving license was seized by the police authority on 14.12.2022.

3. The learned counsel for the petitioner submits that so far show cause notice has not been issued to the petitioner and no enquiry has been initiated.

4. In view of the order passed by the Hon'ble Division Bench of this Court in ***WP(MD).No.176 of 2009, dated 22.06.2009*** in the case of ***(S.Murugesan Vs.The Licensing Authority, The Regional Transport Officer, Trichy)***, the respondent / authority has no power to physically



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impound the driving license without conducting an enquiry and concluding the same as against the petitioner. Hence, the physical seizing or confiscating of the driving license by the second respondent and handing over to the first respondent is *per se* illegal.

5. The Writ Petition stands allowed and the respondents are directed to return the driving license to the writ petitioner on production of this order copy. This order will not prevent the respondents from conducting an enquiry and on the basis of the enquiry report, he is at liberty to proceed further and impound the driving license if required. No costs.

28.12.2022

Index : Yes/No
Internet : Yes/No
Lm/pkn



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TO:

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R.VIJAYAKUMAR,J.

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