



W.P.(MD) No.6547of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.03.2023

CORAM:

THE HONOURABLE MS.JUSTICE P.T.ASHA

W.P.(MD) No.6547 of 2023

and

W.M.P.(MD) Nos.6206 and 6207 of 2023

A.Selvarajan

.. Petitioner

Vs.

- 1.General Manager,
Tamil Nadu State Transport Corporation Ltd.,
Dindigul.
- 2.The Regional Transport Officer,
Licensing Authority,
Office of the Regional Transport Officer,
Transport Department,
Government of Tamil Nadu,
RTO, Dindigul Zone,
Tamilnadu-627 803.
- 3.Regional Transport Officer,
Office of the Regional Transport Officer,
Dindigul-624 004.
- 4.Motor Vehicle Inspector,
Office of the Motor Vehicle Inspector,
291 B, Madurai Road,
Natham, Dindigul-624 401.



W.P.(MD) No.6547of 2023

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5. The Branch Manager,
Tamil Nadu State Transport Corporation Ltd.,
Natham Branch, Dindigul District. .. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Certiorarified Mandamus, to call for the records relating to the impugned order dated 20.02.2023 passed by the 2nd respondent herein in so far as the petitioner's Driving License is concerned and quash the same as illegal and unconstitutional and direct the respondents to permit this petitioner to continue as a Driver in the Tamilnadu State Transport Corporation, Natham Branch, Dindigul District with all attendants and monetary benefits.

For Petitioner : Mr.B.Senthilkumar
For Respondents : Mr.T.Amjadkhan
Government Advocate

ORDER

The petitioner, who is a driver with the Tamil Nadu State Transport Corporation Dindigul – Unit III, had been involved in an accident on 13.02.2023, in an by which one Pitchaiammal, who was crossing the bus driven by the petitioner, met with an accident and died in the spot.



W.P.(MD) No.6547of 2023

WEB COPY

2. The petitioner would submit that one Sameem lodged a complaint against him and the same was registered in Crime No.73 of 2023 on the very same day for the offence under Sections 279 and 304(A) of Indian Penal Code. On the very next day, the first respondent suspended the petitioner from service. Consequently, the second respondent passed the impugned order dated 20.02.2023 suspending the petitioner's driving licence without issuing any show cause notice. Thereafter, on 07.03.2023, the first respondent has passed an order revoking the suspension and directing the petitioner to appear before the fifth respondent on 16.03.2023. Meanwhile, on 08.03.2023 the second respondent issued the show cause notice to show cause as to why the petitioner's licence should not be disqualified under Section 19(1)(d) of the Motor Vehicles Act, 1988. The petitioner sent his explanations to the show cause notice on 13.03.2023 and appeared before the fifth respondent on 16.03.2023, who permitted the petitioner to go for training from 16.03.2023. While so on 17.03.2023, the fifth respondent instructed the petitioner that without cancelling the suspension order of



W.P.(MD) No.6547of 2023

his driving licence, they cannot permit the petitioner to attend the training. Hence, the petitioner approached the third and fourth respondents in person to cancel the order of suspension of driving licence. Since the third respondent refused to cancel the order of suspension of driving licence, the petitioner is before this Court.

3. The learned Government Advocate appearing for the first respondent would submit that Section 19 of the Motor Vehicles Act, 1988 empowers the Licensing Authority to disqualify a person or revoke the licence for the contingencies set out therein, which include “it is being used or used in commission of a cognizable offence”.

4. Heard the learned counsels on either side.

5. A Division Bench of this Court in the case of ***P.Sethuram Vs. The Licensing Authority, The Regional Transport Officer, Dindigul*** reported in ***2010 Writ L.R. 100***, was dealing with the similar issue, wherein a question was raised as to whether mere registration of a



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criminal complaint was enough to revoke a driving licence. The Bench considering Section 19(1) of the Motor Vehicles Act extensively held as follows:

“8. A bare reading of Section 19(1) shows that the Licensing Authority has the power to revoke any licence or disqualify a person for a specified period from holding or obtaining a driving licence, if any of the contingencies prescribed in Clauses (a) to (h) of Sub Section (1) of Section 19 arises. Moreover, the power under Section 19(1) can be invoked only after giving an opportunity of being heard to the holder of the licence and for reasons to be recorded in writing.”

In the light of the above, the first respondent has no authority to retain the driving licence.

6. For the above reasons, the writ petition is allowed. The impugned order dated 20.02.2023 passed by the second respondent is set aside and the second respondent is directed to return the driving licence of the petitioner within a period of four weeks from the date of receipt of



W.P.(MD) No.6547of 2023

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a copy of this order. No costs. Consequently, the connected
Miscellaneous Petitions are closed.

27.03.2023

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

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W.P.(MD) No.6547of 2023

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To

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- 5.The Branch Manager,
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W.P.(MD) No.6547of 2023

P.T.ASHA, J.

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W.P.(MD) No.6547of 2023

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