

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.07.2015

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.17438 of 2015

M.Veeraraghavan

... Petitioner

Vs.

- 1.The Transport Commissioner,
Chepauk,
Chennai - 600 005.
- 2.The Assistant License Issuing Authority,
Regional Transport Office,
Kancheepuram.
- 3.The Regional Transport Officer,
Regional Transport Office,
Kancheepuram.
- 4.The Inspector of Police,
B-5 Walajabad Police Station,
Kancheepuram.
- 5.The Depot Manager,
Tamil Nadu State Transport Corporation,
Orrikkai Depot,
Kancheepuram District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue writ of mandamus to direct the respondents to consider the petitioner's representation dated 04.06.2015 and thereby direct the respondents to return the petitioner's driving License in D.L.No.TN 2119980000424, which was seized by the fifth respondent and handed over to the third respondent.

For Petitioner :Mr.K.M.Balaji

For Respondents :Mr.A.Kumar, Spl.GP

ORDER

The petitioner has filed the present writ petition seeking for issuance of a writ of mandamus to direct the respondents to consider the representation dated 04.06.2015 of the petitioner, with a further direction to the respondents to return his driving license.

2. The petitioner was working as a driver in the Tamil Nadu Transport Corporation, Orrikkai Depot, Kancheepuram District. While he was driving the bus bearing Registration No.PN-21-N-1353 on 10.05.2015, near Puliyarambakkam one passenger travelled in the foot-board fell down and died on the spot. Thereafter, a police complaint was registered on the file of the Walajabad Police Station, Kancheepuram, in Crime No.192/2015 for the offences under Sections 279, 304A IPC. Thereafter, for the above said alleged charges, he was placed under suspension.

3. It is stated by the learned counsel appearing for the petitioner that after the above said accident, without issuing any notice whatsoever, the fifth respondent seized the license of the petitioner and handed over the same to the third respondent. Such action of the respondent is against the ratio laid down by this Court in P.Sethuram v. the Licensing Authority (2010 Writ L.R.100).

4. It is stated by the learned Special Government Pleader appearing for the respondents that immediately after the accident took place on 10.05.2015, the petitioner was placed under suspension on the same day itself. Thereafter, a criminal was registered in Crime No.192/2015 for the offences under Sections 279, 304A IPC. Pursuant thereto, the fourth respondent seized the driving license of the petitioner and thereafter, he was issued with a show cause notice dated 25.05.2015, for which, he has also submitted his reply on 04.06.2015. Thereafter, the third respondent, by considering the reply submitted by the petitioner, suspended his driving license for a period six months i.e. from 11.05.2015 to 10.11.2015. Therefore, the petitioner has no locus standi to argue before this Court that he was not issued any notice before suspension of his license.

5. I fully agree with the above said submissions of the learned Special Government Pleader for the respondents. The only grievance of the petitioner is that he was not issued with any notice before the suspension of his driving license. But, from the typed set of papers filed by the respondent, it is seen that the petitioner was issued with a notice dated 25.05.2015 asking to submit his reply within seven days as to why his driving license should not be suspended. On receipt of the notice, the petitioner has also submitted his reply on 04.06.2015. Subsequently, on considering the reply of the petitioner, the third respondent, by order dated 08.06.2015, suspended his driving license for a period of six months i.e from 11.05.2015 to 10.11.2015, therefore, the

contention of the petitioner that he was not issued any notice before the suspension of his driving license cannot be sustained. Thus, the judgment relied on by the learned counsel for the petitioner in P.Sethuraman's case (cited supra), in my view, cannot be applied to the case on hand.

6. In fine, for the reasons stated above, the writ petition stands dismissed. No Costs. It is open to the petitioner to challenge the correctness of the order dated 08.06.2015 suspending his driving license, if he is so advised.

Sd/-

Asst.Registrar (CO)

/true copy/

Sub Asst.Registrar

To

- 1.The Transport Commissioner,
Chepauk,
Chennai - 600 005.
- 2.The Assistant License Issuing Authority,
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- 5.The Depot Manager,
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Orrikkai Depot,
Kancheepuram District.

1 cc to Mr.K.M. Balaji, Advocate, Sr. 34579
1 cc to Government Pleader, Sr. 34753

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