

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.03.2015

CORAM

THE HONOURABLE Mr. JUSTICE M.DURAI SWAMY

W.P.No.6487 of 2015 &
M.P.No. 1 of 2015

K.Sundarraaj

... Petitioner

v.

1. The Appellate Authority/
Joint Transport Commissioner,
18, Dr.Balasundaram Road,
Coimbatore.
2. The Regional Transport Officer,
Regional Transport Office,
Tiruppur (South)

.... Respondents

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified mandamus, calling for the records pertaining to the impugned order in Se.Mu.Aa.No. 1963/A4/2014 dated 9.2.2015 for suspending petitioner driving license from the period of 21.10.2014 and 20.4.2015 passed by the 1st respondent and quash the same and directing the 2nd respondent to return back the petitioner's driving license (TN-43 20000001810) to the petitioner immediately.

For Petitioner : Mr.J.Mathesh

For Respondents : Mrs.E.Raniselman
Addl. Govt. Pleader - for R1

Mr.S.Sairaman - for R2

ORDER

Heard Mr.J.Mathesh, learned counsel appearing for the petitioner. Mrs. E.Raniselman, learned Additional Government Pleader takes notice for the first respondent and Mr.S.Sairaman, learned counsel takes notice for the second respondent. By consent of both the counsels, the writ petition itself is taken up for final hearing at the admission stage itself.

2. The petitioner has filed the above writ petition to issue a Writ of Certiorari mandamus to call for the records pertaining to the impugned order dated 9.2.2015 suspending his driving license for the period 21.10.2014 to 20.4.2015 passed by the 1st respondent, to quash the same and direct the 2nd respondent to return back his driving license (TN-43 20000001810) to him immediately.

3. It is the case of the petitioner that he is working as a Bus Driver in the Tamil Nadu State Transport Corporation, Coimbatore Zone. On 21.10.2014, while he was on duty in Bus No.TN 38 N 2377, the bus met with an accident and the second respondent seized his driving licence and thereafter, issued a show cause memo dated 31.10.2014 stating that as to why the driving licence issued to him should not be suspended under section 19(1) of the Motor Vehicles Act. The petitioner sent a letter dated 18.11.2014 to the second respondent seeking 30 days time for submitting his explanation. However, the second respondent suspended the driving licence from 21.10.2014 to 20.04.2015. On 26.12.201, the petitioner preferred an appeal before the first respondent and the first respondent reduced the suspension period to six months. Aggrieved over the same, the petitioner has filed the present writ petition.

4. Learned counsel appearing for the petitioner submitted that in similar circumstances a Division Bench of this court in the judgement reported in 2010 Writ L.R. 100 [P.Sethuram v. The Licensing Authority, The Regional Transport Office, Dindigul] held that impounding of the licence has actually preceded the issue of show cause notice and the second respondent has pre-concluded the issue that the appellant is guilty of rash and negligent driving, even before the Criminal Court or the Motor Accidents Claims Tribunal went into the issue and quashed the order suspending the driving licence.

5. The learned Additional Government Pleader also fairly submitted that the issue involved in the present writ petition is covered by the order passed by the Division Bench of this court reported in 2010 Writ LR 100 (Cited supra).

6. Following the said judgement, I had an occasion to quash the similar impugned order in W.P.No.3925 of 2015, dated 04.03.2015 and the facts and circumstances of the case on hand squarely applies to the ratios laid down in the said orders.

7. In these circumstances, the impugned order dated 9.2.2015 suspending the petitioner's licence from 21.10.2014 to 20.4.2015, passed by the first respondent, is quashed and the second respondent is directed to return the diving licence of the petitioner, within a week from the date of receipt of a copy of this order. However, it shall not preclude the respondent from initiating any action, if any

of the contingencies specified in Motor Vehicles Act, arises later or if any of the Rules as prescribed by the Central Government, in pursuance of the provisions of the Act are violated.

With these observations, the writ petition is allowed. Consequently, connected miscellaneous petition is closed. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

Rj

To

1. The Appellate Authority/
Joint Transport Commissioner,
18, Dr.Balasundaram Road,
Coimbatore.
2. The Regional Transport Officer,
Regional Transport Office,
Tiruppur (South)

+lcc to Mr.S.Sai Raman, Advocate, S.R.No.13236
+lcc to Mr.J.Mathesh, Advocate, S.R.No.13179
+lcc to the Government Pleader, S.R.No.13926

सत्यमेव जयते

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