

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 09.09.2016

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P.No.31420 of 2016 &
W.M.P.Nos.27267 & 27268 of 2016

S.Mohan Vel

... Petitioner

Versus

The Regional Transport Authority /
Licensing Authority,
Office of the Regional Transport Authority,
Mettupalayam.

... Respondent

Prayer: This Writ Petition is filed under Article 226 of the Constitution of India, seeking for a Writ of Certiorarified Mandamus to call for the records pertaining to the order dated 01.06.2016 passed by the respondent in Cheu.Mu.Order No.17422/A3/2016, quash the same and consequently direct the respondent to return forthwith the petitioner original license bearing No.TN 39 20100005946, without any endorsement.

For Petitioner : Mr.V.Ajoy Khose
For Mr.R.Krishnaswamy

For Respondent : Mrs.M.E.Raniselvam
Additional Government Pleader

O R D E R

Heard Mr.V.Ajoy Khose, representing Mr.R.Krishnaswamy, learned counsel appearing for the petitioner and Mrs.M.E.Raniselvam, learned Additional Government Pleader, accepting notice on behalf of respondents. With the consent of the learned counsel on either side, the Writ Petition itself is taken up for disposal.

2. In this Writ Petition, the petitioner has challenged the proceedings of the respondent, dated 01.06.2016, in and by which, the petitioner's driving license has been suspended for a period of six months i.e., from 04.05.2016 to 03.11.2016.

3. It is submitted by the petitioner that out of the six months period, already four months have been elapsed and the impugned order has been passed without giving an opportunity of hearing to the petitioner and it is contrary to Section 19(1) of the Motor Vehicles Act.

4. The legal issue as to whether such orders like that of the impugned order could be passed has been decided by the Hon'ble Division Bench of this Court in the case of P.Sethuram V. The Licensing Authority, The Regional Transport Officer, Dindigul reported in 2009 (2) TN MAC 252 (DB) : 2010 WLR 100, which has been consistently followed by this Court in several decisions viz., R.Ravi vs. The Regional Transport Officer, Transport Department, Chennai West reported in 2015 (2) CTC 626 and in W.P.No.22185 of 2016 (D.Pitchai Vs. The Regional Transport Authority, Perambalur), dated 11.07.2016. The issue which has been decided in those decisions are that till the competent Criminal Court renders a finding of guilt of the offence, mere pendency of an F.I.R., cannot be a reason to initiate action to suspend or cancel a license.

5. The learned Additional Government Pleader does not dispute the above legal position.

6. In the light of the above, following the abovesaid decisions, the Writ Petition is allowed and the impugned order is set-aside and the respondent is directed to return the original driving license to the petitioner forthwith, on production of a copy of this order. However, this order will not preclude the respondent from initiating any action, if any of the contingencies specified in the Motor Vehicles Act arises later or if any Rule as prescribed by Central Government in pursuance of the provisions of the Act, are violated. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

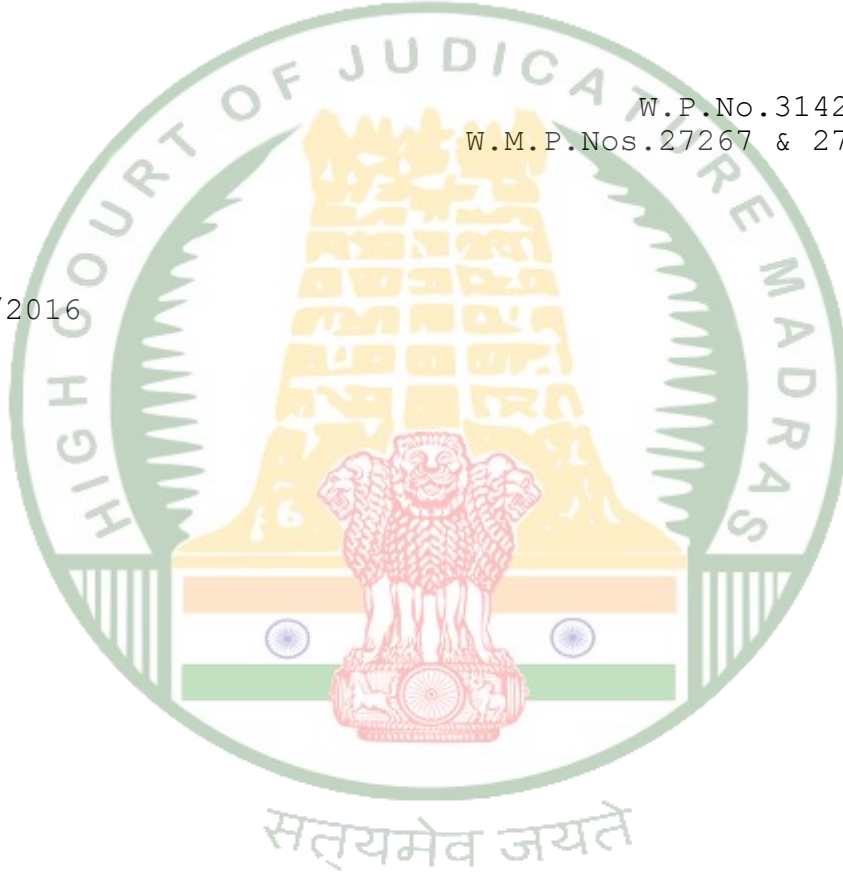
To

The Regional Transport Authority /
Licensing Authority,
Office of the Regional Transport Authority,
Mettupalayam.

+1cc to M/S.Ajoykhose, Advocate sr.51242
+1cc to the Government Pleader sr.51655

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