



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.11.2016

CORAM:

THE HONOURABLE DR.JUSTICE S.VIMALA

W.P (MD) No.22131 of 2016

and

W.M.P (MD) No.15848 of 2016

R.Arockia Raj

: Petitioner

Vs.

1.The Regional Transport Officer,
Office of the Regional Transport Office,
Pudukkottai.

2.The Inspector of Police,
Keeramangalam Police Station,
Pudukkottai.

: Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus calling for the records pertaining to the impugned order passed by the first respondent in his proceedings No.in Se.Mu.Aa.No.A1/44101/2016 dated 17.10.2016 and quash the same and consequently direct the respondents herein to return the petitioner's license bearing No.TN 4920070005078 within the time stipulated by this Court.

For Petitioner : Mr.B.Jameel Arasu

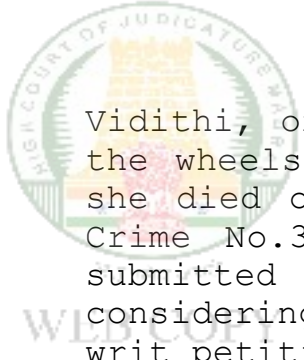
For Respondents : Mr.M.Murugan,
Government Advocate.

O R D E R

The proceedings dated 17.10.2016, by which, invoking the powers under Section 19(1)(c) of the Motor Vehicles Act, 1988, the first respondent, has suspended the license of the petitioner for the period from 22.09.2016 to 21.03.2017, is under challenge in this writ petition.

2.Heard the learned counsel appearing for the petitioner and the learned Government Advocate, who took notice for the respondents. By consent, the writ petition itself is taken up for final disposal.

3.The case of the petitioner is that he is working as a Driver in the State Road Transport Corporation at Pudukkottai Region. On 20.09.2016, at about 06.30 p.m., while he was driving a Town Bus bearing Registration No.TN-55-N-0677, at Pallathi



Vidithi, one Santha, who is an aged person, has fallen down under the wheels of the bus, at the time of alighting from the bus and she died on the spot. For which, a case has been registered in Crime No.359 of 2016 under Section 304-A IPC. The petitioner submitted his explanation. But, the first respondent, without considering the same, issued the impugned order. Therefore, this writ petition has been filed.

4.The learned counsel for the petitioner would submit that there was no negligence on the part of the petitioner and the accident tookplace only on account of the negligence on the part of the deceased herself and when the deceased negligently alighted from the moving bus, she has fallen down under the wheels of the bus.

5.The issue relating to negligence is yet to be decided by the Criminal Court as well as by the Motor Accidents Claims Tribunal. In similar circumstances, this Court has passed an order in W.P (MD)No.18777 of 2016, dated 30.09.2016, under which, there was a direction to return the license to the Investigating Officer, who shall produce the same before the Jurisdictional Judicial Magistrate.

6.In the light of the order passed in W.P(MD)No.18777 of 2016, dated 30.09.2016, the impugned order dated 17.10.2016 passed by the first respondent is set aside and the first respondent is directed to return the driving license to the Investigating Officer in Crime No.359 of 2016, on the file of Alangudi Police Station, Pudukkottai District, who shall, in turn, issue an acknowledgment to the petitioner and then, produce the same before the Jurisdictional Judicial Magistrate and the learned Magistrate, in turn, shall exercise his power under Section 206(1) of the M.V. Act and return the license to the petitioner. It is also made clear that the acknowledgment issued would have the effect of authorizing the holder to drive the vehicle until the license has been returned to him. This authorization may be extended either by the Police Officer or by the Court.

7.With the above observation and direction, the Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(co)

/True copy/

Sub Assistant Registrar



To

1. The Regional Transport Officer,
Office of the Regional Transport Office,
Pudukkottai.

2. The Inspector of Police,
Keeramangalam Police Station,
Pudukkottai.

+1cc to Mr.B.Jameel Arasu, Advocate SR.No.70594
+1cc to special Government Pleader SR.No.70625

smn

sm:SS 3:05/12/2016:2P/5C

ORDER MADE IN
W.P (MD) No.22131 of 2016
and
W.M.P (MD) No.15848 of 2016
18.11.2016