

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.11.2017

CORAM

THE HONOURABLE MR.JUSTICE K. RAVICHANDRABAABU

W.P.No.29375 of 2017
and
W.M.P.No.31632 of 2017

Sivakumar.N.

... Petitioner

vs.

1. The Regional Transport Officer,
(Licensing Authority),
Regional Transport Office,
Thanneer Panthal,
Perambalur Post,
Perambalur District.
 2. The General Manager,
Tamil Nadu State Transport Corporation Ltd.,
Regional Office, Periyamilagu Parai,
Trichy - 620 001.
- ... Respondents

PRAYER:

Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Certiorarified Mandamus to call for the records of the respondent vide his proceedings No.36182/A6/2017 dated 26.10.2017 and quash the same as illegal, arbitrary and against the provisions of the Act and to direct the 1st respondent to return the Driving License of the petitioner immediately without any endorsement.

For Petitioner : Mr.A.Rajendiran

For Respondents: Mr.P.V.Selvakumar,
Additional Government Pleader for R1
Mr.P.Kannankumar,
Standing Counsel for R2.

O R D E R

Mr.P.V.Selvakumar, learned Additional Government Pleader takes notice for the first respondent. Mr.P.Kannankumar, learned Standing Counsel for the 2nd respondent. By consent of

the parties, the main writ petition is taken up for final disposal at the admission stage itself.

2. The petitioner is aggrieved against the proceedings dated 26.10.2017 which is nothing but a show cause notice calling upon the petitioner to show cause as to why the petitioner's driving license shall not be temporarily suspended or cancelled for having caused an accident resulting the death of a person. The petitioner also seeks for return of the driving license which was seized from the petitioner in pursuant to the said accident.

3. Heard both sides.

4. Insofar as the first limb of the prayer challenging the show cause is concerned, this Court is not inclined to entertain such prayer, as it is for the petitioner to give explanation to the show cause notice and contest the matter before the concerned authority. It is also stated by the learned counsel for the petitioner that the petitioner has already given an explanation to the show cause. If it is so, it is for the respondents to consider the same and pass orders on merits and in accordance with law. However, insofar as the other limb of the prayer namely, for returning the driving license is concerned, this Court has already taken a view in several matters that the authority cannot retain the driving license by following the earlier decisions passed by this Court in 2010 Writ L.R. 100 (P.Sethuram vs. The Licensing Authority, The Regional Transport Officer, The Regional Transport Office, Dindigul) and a single Judge decision made in W.P.No.16958/2013 dated 01.07.2013 reported in 2013 Writ L.R.843 (S.Duraivelu vs. The Regional Transport Officer, West Tambaram, Chennai & 2 others).

5. Therefore, the writ petition is disposed of as follows:

(a) The respondents will pass orders on the explanation given by the petitioner on merits and in accordance with law within a period of four weeks from the date of receipt of a copy of this order.

(b) The respondents shall return the driving license to the petitioner immediately on receipt of a copy of this order.

(c) The return of the driving license as directed by this Court in this order does not prevent the 1st respondent from initiating any action, if any of the contingencies specified in Clauses (a) to (h) of Section 19(1) of the Motor Vehicles Act, arises later or if any of the Rules as prescribed by the

Central Government in pursuance of Section 19(1)(f) of the Act,
are violated.

No costs. Consequently, connected miscellaneous petition is
closed.

s/d-
Assistant Registrar (CS-V)

True Copy

Sub-Assistant Registrar

vsi

To

1. The Regional Transport Officer,
(Licensing Authority),
Regional Transport Office,
Thanneer Panthal, Perambalur Post,
Perambalur District.
 2. The General Manager,
Tamil Nadu State Transport Corporation Ltd.,
Regional Office, Periyamilagu Parai, Trichy - 620 001.
- +1 cC to Mr.A. Rajendran, Advocate sr 81285.

W.P.No.29375 of 2017

SP(17/11/2017)

सत्यमेव जयते

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