



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.09.2017

CORAM :

THE HONOURABLE MR.JUSTICE T.RAJA

W.P. (MD) No.15108 of 2017

and

W.M.P. (MD) No.11910 of 2017

J.Jayaprakash

... Petitioner

Vs.

1.The Regional Transport Officer,
Sivakasi, Virudhunagar District
(RTO Office, Sivakasi)

2.The Inspector of Police,
Sivakasi Town Police Station,
Sivakasi, Virudhunagar District.

3.The Regional Transport Officer,
Central Zone,
Madurai.

... Respondents

(Third respondent has been impleaded
suo motu as per the order of this Court
dated 04.09.2017)

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus to direct the respondents to return the driving license bearing No.TN 58 19970002025 to the petitioner.

For Petitioner : Mr.K.Sathish

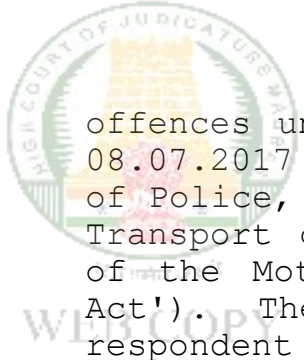
For Respondents : Mr.R.Karthikeyan
Additional Government Pleader

ORDER

By consent of both sides, this writ petition itself is taken up for final disposal.

2. Heard the learned counsel for the petitioner and the learned Additional Government Pleader for the respondents.

3.The petitioner, who is a Driver working in the Tamilnadu State Transport Corporation, Madurai Division, of Pudukulam Branch, involved in a fatal accident on 08.07.2017. Consequently, a criminal case has been registered against the petitioner for



offences under Sections 279 and 304(A) IPC in Crime No.521/2017 on 08.07.2017 and his driving license was also seized by the Inspector of Police, Sivakasi and handed over to the first respondent Regional Transport officer, Sivakasi to initiate action under Section 19(1) of the Motor Vehicles Act 1988 (hereinafter referred to as 'the Act'). The petitioner send his representation to the first respondent on 11.07.2017 enclosing a copy of the order passed in W.P.(MD) No.22340/2016. However, the same has not been considered and hence, he is before this Court with this Writ Petition.

4. The learned counsel for the petitioner would submit that the respondents have no jurisdiction or authority to seize the driving license without resorting to the procedure contemplated under Section 19 of the Act. Since prior notice should be given before seizing the petitioner's license, a direction may be issued to the respondents to return the driving license.

5. Per contra, the learned Additional Government Pleader, taking instructions from the officials of the respondent Department, submitted that when it is an admitted case of the petitioner that on 08.07.2017, while he was driving the vehicle belong to the Transport Corporation, involved in a fatal accident and a criminal case has been registered against the petitioner under Sections 279 and 304(A) IPC in Crime No.521/2017 on 08.07.2017. Therefore, the 2nd respondent as a dutyful officer seized the license from the petitioner and handed over the same rightly to the first respondent.

6. Therefore, now, enquiry is pending for consideration. The first respondent Regional Transport Officer, Sivakasi has also forwarded the license of the petitioner to the Regional Transport Officer, Central Zone, Madurai, for proceeding in accordance with law. Therefore, he submitted that a direction may be issued to the Regional Transport Officer, Central Zone, Madurai, to expedite the enquiry and pass appropriate orders.

7. The Regional Transport Officer, Central Zone, Madurai, who is not a party before this Court, is suo motu impleaded as the third respondent. The Regional Transport Officer, Central Zone, Madurai, is directed to issue notice to the petitioner and complete the enquiry within four weeks from the date of receipt of a copy of this order.

8. The Writ Petition is disposed of with the above direction. No costs. Consequently connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(RTI)

/True Copy/



To

1.The Regional Transport Officer,
Sivakasi, Virudhunagar District
(RTO Office, Sivakasi)

2.The Inspector of Police,
Sivakasi Town Police Station,
Sivakasi, Virudhunagar District

3.The Regional Transport Officer,
Central Zone,
Madurai.

+1cc to THE SPECIAL GOVERNMENT PLEADER in SR. No. 76645

RR

JS/SV.MMS/SAR.1/21.09.2017/ 3P-5C

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and
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