

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.04.2018

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P. No.8239 of 2018 and
W.M.P. No.10199 of 2018

I.Immanuel Isreal Rajesh

.. Petitioner

-vs-

1.The Licensing Authority,
The Regional Transport Officer,
The Regional Transport Office,
Ulundurpet, Villupuram District.

2.The Sub Inspector of Police,
Eadakkal Police Station,
Ulundurpet, Villupuram District.

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of certiorarified Mandamus calling for the records relating to the first respondent proceedings made in br/K/M/vz;/m1775/2018 dated 16.02.2018 and quash the same and consequently directing the 1st respondent to return the petitioner's driving licence in D.L. No.TN58 19970001524.

For Petitioner : Mr.J.Sudhakaran

For Respondents: Ms.K.Bhuvaneswari,
Additional Government Pleader

ORDER

This writ petition has been filed for issuance of a Writ of certiorarified Mandamus calling for the records relating to the first respondent proceedings made in br/K/M/vz;/m1775/2018 dated 16.02.2018 and consequently directing the 1st respondent to return the petitioner's driving licence in D.L. No.TN58 19970001524.

2.The case of the petitioner is that he was working as a Driver in the bus bearing Registration No.TN 19AD 3416. On 20.01.2018 when he drove the said bus at Chennai to Trichy Highway, one auto bearing Registration No.TN 15-D-2068 suddenly

crossed the road. Though he applied the break immediately, an accident took place wherein one Hameed Khan died on the spot and two persons namely Mohamed Haneef, driver of the auto and one Chellammal were injured grievously. Thereafter, on a complaint given by one Vahitha Bee, a case has been registered against the petitioner by the second respondent police in Crime No.24 of 2018 for the offences punishable under Sections 279, 337, 304(A) of IPC. on 20.01.2018 and he was arrested by the second respondent police. According to him since the auto driver without following the traffic rules and signal suddenly crossed the road, the said accident has been occurred. Thereafter, the second respondent police has seized the driving licence of the petitioner and handed over the same to the first respondent herein. On 23.01.2018, the second respondent has issued a show cause notice to the petitioner stating that why should not the driving licence of the petitioner be cancelled under Section 19 (1) of Motor Vehicles Act 1988. However, the first respondent, without conducting any enquiry, passed the impugned order invoking the provision under Section 19(1)(i) of the said Act. Therefore, the petitioner is before this Court seeking the above prayer.

3.It is seen that after receipt of notice, the petitioner gave his explanation and only thereafter the impugned order has been passed. Therefore, cancelling the driving licence cannot be found fault with that needs acceptance. Admittedly as mentioned above, the petitioner while driving the vehicle has caused the accident and as a result, the said Hameed Khan died on the spot and two persons namely Mohamed Haneef, driver of the auto and one Chellammal sustained serious injuries. Therefore, this Court is not inclined to entertain this petition and the same is dismissed. No costs. Consequently, connected W.M.P. is also dismissed.

Sd/-

Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

vga

To

1.The Licensing Authority,
The Regional Transport Officer,
The Regional Transport Office,
Ulundurpet, Villupuram District.

2.The Sub Inspector of Police,
Eadakkal Police Station,
Ulundurpet, Villupuram District.

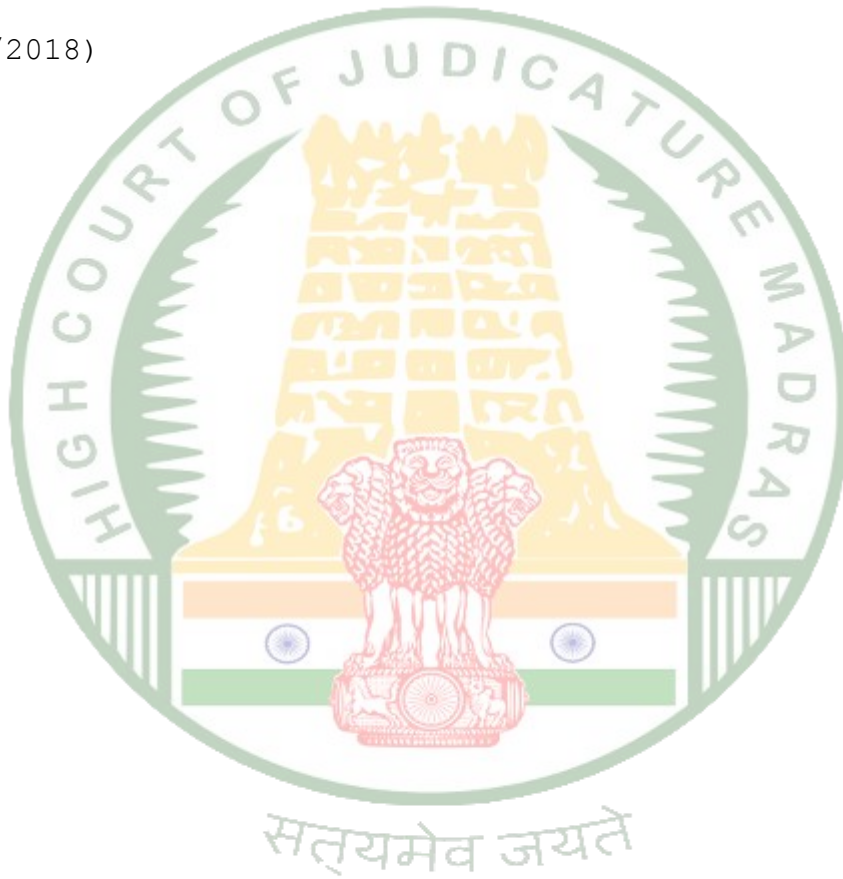
+1cc to Mr.J.Sudhakaran, Advocate, S.R.No.25898

+1cc to the Government Pleader, S.R.No.26299

W.P. No.8239 of 2018

RV (CO)

RRK (28/04/2018)



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