



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 13.04.2018
CORAM:

THE HONOURABLE MR.JUSTICE M.GOVINDARAJ

WEB COPY

W.P (MD) No.8093 of 2018

A.Thulasi Ayya : Petitioner
Vs.

1.The Regional Transport Officer,
Kumbakonam,
Thanjavur District.

2.The Inspector of Police,
Papanasam Police Station,
Thanjavur District.

3.The General Manager,
Tamil Nadu State Transport Corporation
(Kumbakonam) Limited,
Kumbakonam Region,
Kumbakonam.

: Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the first respondent to return the original driving licence No.TN 49 19970000970 of the petitioner to him forthwith.

For Petitioner	: Mr.G.Karnan
For Respondents 1&2	: Mrs.J.Padmavathi Devi, Special Government Pleader
For Respondent No.3	: Mr.D.Sivaraman

ORDER

Mrs.J.Padmavathi Devi, learned Special Government Pleader, takes notice on behalf of the first and second respondents. Mr.D.Sivaraman, learned counsel, takes notice on behalf of the third respondent.

2. By consent, the Writ Petition is taken up for final disposal at the stage of admission itself.

3. This Writ Petition is for a direction to the first respondent to return the original driving licence of the petitioner.

4. The petitioner is a driver of the third respondent State Transport Corporation. On 02.01.2018, the vehicle driven by him met with an accident, in which, two persons came in a two wheeler dashed against the bus and fell down and succumbed to injuries. A complaint



was registered in Crime No.2 of 2018 under Section 304(A) of the Indian Penal Code. Pursuant to the accident, the petitioner was arrested and his driving licence bearing No.TN 49 19970000970 was seized by the Police and sent to the first respondent/Regional Transport Officer. The said criminal case is pending and no final report was filed. The first respondent has impounded the licence on the basis of the report sent by the Inspector of Police, Papanasam Police Station. The petitioner has also made a representation on 19.01.2018 disputing the negligence.

5. The learned Special Government Pleader appearing for the first and second respondents would contend that the driver of the bus has driven the vehicle in a rash and negligent manner, resulting in the death of two persons, and, therefore, the authority has rightly seized his licence.

6. From the perusal of the records available before this Court, it is seen that the criminal case is at the threshold and final report has not been filed. The guilt of the petitioner is not yet proved. Mere involvement of the vehicle in an accident does not automatically result in revocation of licence or suspension of licence. Therefore, the proper procedure is to initiate proceedings under Section 19(1) of the Motor Vehicles Act only after the holder of the licence is found guilty. The first respondent has issued a show cause notice dated 12.02.2018 calling for explanation from the petitioner. It is submitted by the learned counsel for the petitioner that the petitioner has already submitted his explanation, but, no copy is available before this Court.

7. In such circumstances, a direction is issued to the petitioner to submit his explanation to the show cause notice issued and a further direction is issued to the first respondent to consider the explanation and pass orders, in the light of the judgment of this Court in P.Kumararaja v. The Regional Transport Officer reported in 2017(4) CTC 425, within a period of one week from the date of receipt of explanation from the petitioner.

8. The Writ Petition is disposed of with the above direction. No costs.

Sd/-

Assistant Registrar (T&P)

/True Copy/

Sub Assistant Registrar

To

1. The Regional Transport Officer,
Kumbakonam,
Thanjavur District.



2.The Inspector of Police,
Papanasam Police Station,
Thanjavur District.

3.The General Manager,
Tamil Nadu State Transport Corporation
(Kumbakonam) Limited,
Kumbakonam Region,
Kumbakonam.

+1cc to M/S.G.Karnan, Advocate SR.No. 61255
+1cc to M/S.D.Sivaraman, Advocate SR.No. 61252
+1cc to Special Government Pleader, SR.No. 61411

Order made in
W.P (MD) No.8093 of 2018

sml
MS/SV MMS/SAR 4/16.04.2018/3P/7C