



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.06.2018

CORAM:

WEB COPY

THE HONOURABLE MR. JUSTICE M. GOVINDARAJ

W.P (MD) No.13129 of 2018
and W.M.P. (MD) No.11999 of 2018

R.Velusamy : Petitioner
Vs.

1.The Licensing Authority/
Regional Transport Officer,
Dindigul.

2.The Assistant Licensing Authority,
Regional Transport Office,
Batlagundu - 624 202.

3.The Inspector of Police,
Batlagundu Police Station,
Dindigul District.

: Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India to direct the respondents to return the petitioner's original driving license bearing DL No.TN31 20030004807 to the petitioner within a time limit that may be fixed by this Court.

For Petitioner : Mr.A.Rahul
For Respondents : Mr.S.Dhayalan
Government Advocate

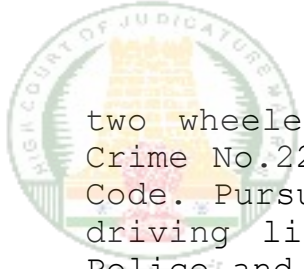
ORDER

Mr.S.Dhayalan, learned Government Advocate, takes notice on behalf of the respondents.

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 respondents to return the original driving licence of the petitioner.

4. The petitioner is a Driver cum Conductor in the State Express Transport Corporation (Tamil Nadu) Ltd., Chennai Branch - II with effect from 25.03.2018. On 16.05.2018, the vehicle driven by him met with an accident, in which, a two wheeler dashed against the front side of the bus driven by the petitioner and the rider of the



two wheeler succumbed to injuries. A complaint was registered in Crime No.221 of 2018 under Sections 279, 304(A) of the Indian Penal Code. Pursuant to the accident, the petitioner was arrested and his driving licence bearing DL No.TN31 20030004807 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, Batlagundu Police Station. The petitioner has also made an explanation on 14.06.2018 disputing the negligence.

5. The learned Government Advocate appearing for the respondents would contend that the driver of the bus has driven the vehicle in a rash and negligent manner, resulting in the death of one person, 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 Nil .05.2018 calling for explanation from the petitioner. It is submitted by the learned counsel for the petitioner that the petitioner has already submitted his explanation and the copy of the explanation is available before this Court.

7. In such circumstances, a direction is issued to the first respondent to consider the explanation given by the petitioner 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 a copy of this order.

8. The Writ Petition is disposed of with the above direction. No costs. Consequently, connected W.M.P.(MD) No.11999 of 2018 is closed.

Sd/-
Assistant Registrar (Crl.Side)

/True Copy/

Sub Assistant Registrar

To
<https://hcservices.ecourts.gov.in/hcservices/>
1.The Licensing Authority/Regional Transport Officer,
Dindigul.



2.The Assistant Licensing Authority,
Regional Transport Office,
Batlagundu - 624 202.

3.The Inspector of Police,
Batlagundu Police Station,
Dindigul District.

+1CC to Mr.A.Rahul Advocate in SR.No.68945.

CM

DS/RSK-SKN/SAR-4 :20.06.2018: 3P/5C

Order made in
W.P (MD) No.13129 of 2018
and W.M.P. (MD) No.11999 of 2018
20.06.2018