



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.06.2018

CORAM:

THE HONOURABLE MR.JUSTICE M.GOVINDARAJ

W.P (MD) No.13166 of 2018

and

W.M.P. (MD) No.12020 of 2018

J.Sridharan

: Petitioner

Vs.

The Licensing Officer -cum-
The Regional Transport Officer,
The Regional Transport Office
(Madurai-South),
Madurai.

: Respondent

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus, to call for the records from the respondent relating to his impugned order dated 08.06.2018 passed in Se.Mu.Aa.No.33446/C4/18, quash the same and consequently, direct the respondent to return the driving licence of the petitioner without any remarks, cost and thus render justice.

For Petitioner

: Mr.S.Arunachalam

For Respondent

: Mrs.J.Padmavathi Devi,
Special Government Pleader

ORDER

The petitioner is a driver in the Tamil Nadu State Transport Corporation (Madurai) Limited. On 05.06.2018, while he was driving a bus bearing Registration No.TN 58 N 1108, there was an accident in which, the rider and the pillion rider of the two wheeler died. First Information Report was filed in Crime No.332 of 2018 and a case was registered against the petitioner under Sections 279 and 304-A I.P.C. It is stated by the petitioner that the original licence was seized by the police while registering the First Information Report and it was forwarded to the Motor Vehicle Inspector, who, in turn, handed over the same to the respondent. Thereafter, the respondent called for an explanation from the petitioner, for which, the petitioner submitted his detailed statement on 08.06.2018. However, on the very same day, the respondent passed the impugned order suspending the driving licence of the petitioner for a period of three months from 08.06.2018 to



07.09.2018. Aggrieved over the same, the petitioner is before this Court with the present Writ Petition.

2. The learned Counsel for the petitioner would vehemently contend that the respondent has passed the impugned order based on the reason that a criminal case was registered against the petitioner and the suspension of licence was based on the recommendation made by the concerned Inspector of Police. Since the criminal case is only at the stage of investigation and it has not reached finality, the respondent ought to have waited for the outcome of the same and in spite of doing so, the respondent has passed the impugned order, which is illegal and arbitrary and hence, needs interference at the hands of this Court.

3. The learned Special Government Pleader appearing for the respondent 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 respondent has rightly suspended his licence.

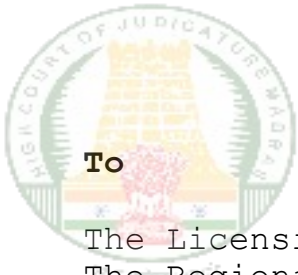
4. A Division Bench of this Court, in **Sethuraman v. Regional Transport Officer** reported in **2010 WLR 100**, has dealt with the very same issue and ordered for return of driving licence, within a week.

5. In the case on hand, the accident in question had happened on 05.06.2018. The licence of the petitioner was impounded by the police immediately after the accident and handed over to the respondent. Thereafter, the respondent issued a memo dated 08.06.2018 calling for explanation from the petitioner, for which, the petitioner submitted his explanation on 08.06.2018 itself. However, on the very same day, the respondent passed the impugned order suspending the driving licence of the petitioner for a period of three months. Mere involvement in a criminal case does not amount to suspension of licence. Moreover, the suspension of licence even before Criminal Court or the Motor Accident Claims Tribunal went into the issue shows the pre-determination of mind on the part of the respondent. Thus, in my considered view, the impugned order is liable to be set aside.

6. In fine, the Writ Petition is allowed and the impugned order dated 08.06.2018 is set aside and a direction is issued to the respondent to return the original driving licence to the petitioner forthwith, on receipt of a copy of this order. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-
Assistant Registrar (CO)

/True Copy/



To

The Licensing Officer -cum-
The Regional Transport Officer,
The Regional Transport Office
(Madurai-South),
Madurai.

+ 1 CC TO Mr.S.ARUNACHALAM, ADVOCATE IN SR No. 69163
+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No. 69376

SML

TE/RSK/SAR-1 : 26/06/2018 : 3P/4C

Order made in
W.P (MD) No.13166 of 2018
Dated: 21.06.2018