

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 10.04.2019

Coram

The Honourable Mr. Justice D.KRISHNAKUMAR

W.P.No.10733 of 2019

V.Amirthalingam

...Petitioner

Versus

1. The Licensing Authority,
Regional Transport Officer,
Poonthamalli,
Chennai - 600 056.

2. The Inspector of Police,
K.10, Koyambedu Police Station,
Traffic Investigation Wing,
Chennai - 600 107.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the respondents to return the petitioner's Original Driving License bearing DL.No.TN 51 19940002003 to the petitioner within a time frame as deem fit.

For Petitioner : Ms.Daisy

For Respondents : Mr.M.Karthikeyan,
Additional Government Pleader

O R D E R

The above Writ Petition has been filed seeking to direct the respondents to return the petitioner's Original Driving License bearing DL.No.TN 51 19940002003 to the petitioner within a time frame as deem fit.

2. It is the case of the petitioner that he joined the Government Service as Driver on 02.07.2007. On 03.02.2019, while he was on duty in driving TNSTC Bus bearing Registration No.TN 68 N 0740 via Porayar to Koyambedu, at about 13:45 hours at Poonthamalli High Road, Maduravoyal, a male aged about 80 years old fell down in front of the bus and due to the head injury sustained by him, he passed away. Thereafter, a criminal case was registered against the petitioner by the second

respondent in Crime No.160 of 2019 under Section 279, 304A of IPC. During investigation, the second respondent has seized the petitioner's Original Driving License bearing DL.No.TN 51 19940002003 and produced the same before the first respondent for further action. On 05.03.2019, the first respondent had issued a notice to the petitioner to submit his explanation for the said offence. On 13.03.2019, the petitioner submitted an explanation before the first respondent seeking to drop further action under the Tamil Nadu Motor Vehicles Act. While so, on 20.03.2019, the first respondent had passed an impugned order suspending the petitioner's License from 03.02.2019 to 02.08.2019. Aggrieved by the said order, the petitioner has filed the present Writ Petition for the relief stated hereinabove.

3. The learned Additional Government Pleader appearing for the respondents submitted that aggrieved by the charges framed against the petitioner, he gave an objection letter to the first respondent but not being satisfied with the explanation offered by the petitioner in the said letter, the first respondent passed the impugned order suspending the petitioner's license for a period of six months. He further submitted that if the petitioner is aggrieved by such order, then he has to file an Appeal under Section 19(3) of the Tamil Nadu Motor Vehicles Act before the Appellate Authority and therefore, the writ petition is not maintainable.

4. In view of the above submissions made by the learned Additional Government Pleader for respondents, this Court is of the view that the present Writ Petition is not maintainable and therefore, the same is dismissed. However, liberty is granted to the petitioner to approach the Appellate Authority by way of an Appeal challenging the impugned order passed by the first respondent. However, there shall be no order as to costs.

Sd/-

Deputy Registrar (CJ Conf.,)

//True Copy//

Sub Assistant Registrar

mrr

To

1. The Licensing Authority,
Regional Transport Officer,
Poonthamalli,
Chennai - 600 056.

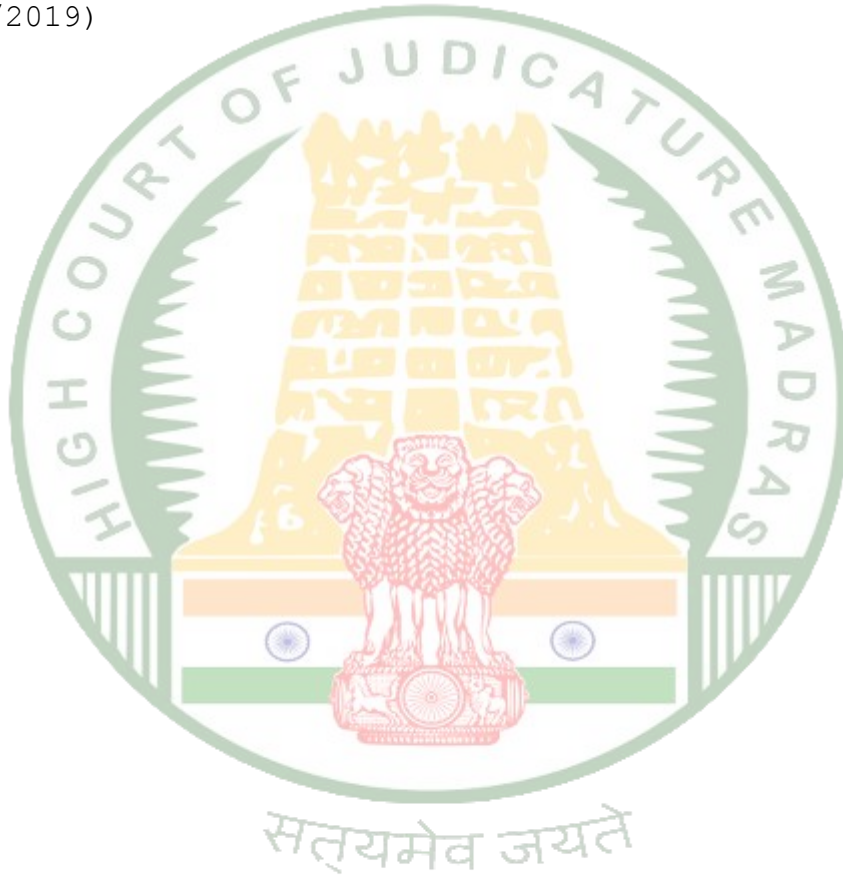
2. The Inspector of Police,
K.10, Koyambedu Police Station,
Traffic Investigation Wing,
Chennai - 600 107.

+1 cc to M/s.Bala & Daisy, Advocate, S.R.No.35547

+1 cc to the Government Pleader, S.R.No.35815

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GJ-II(CO)
SSM(19/06/2019)



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