

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 27.06.2019

Coram:

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

Writ Petition No.17856 of 2019

and

W.M.P.No.17257 of 2019

M.Sangameswaran

... Petitioner

/versus/

1.Inspector of Police,
Traffic Investigating Wing,
Coimbatore East Police Station,
Coimbatore.

2.The Licencing Authority-cum-
Regional Transport Officer,
Coimbatore Central,
Coimbatore.

... Respondents

Writ Petition filed under Article 226 of Constitution of India praying to issue a Writ of Certiorarified Mandamus calling for the records of the 2nd respondent relating to order in R.No.23459/B4/2019, dated 14.05.2019 suspending the driving licence of the petitioner for a period of 6 months from 03.05.2019 to 02.11.2019 and to quash the same, consequently, direct the 2nd respondent herein to return the Original Driving Licence (DL No.TN 36 W 20090000029) to the petitioner forthwith.

For Petitioner :Mr.K.Hariharan

For Respondents :Mr.N.Inbanathan, AGP

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O R D E R

By consent, the main writ petition itself is taken up for final disposal at the admission stage itself.

2. Heard Mr.Mr.K.Hariharan, learned counsel appearing for the petitioner and Mr.N.Inbanathan, learned Additional Government Pleader, who takes notice on behalf of the respondents.

3. The petitioner herein has approached this Court aggrieved by the order passed by the second respondent suspending his driving licence for a period of six months.

4. From the affidavit, this Court finds that the petitioner as a Driver in the Tamil Nadu State Transport Corporation, Coimbatore caused motor accident on 28.04.2019 resulting in the death of a person. Besides the criminal case registered against the petitioner for rash and negligent driving under the relevant provision of the Indian Penal Code, the Transport Authority has initiated proceedings under Section 19(1) of the Motor Vehicles Act, 1988 and caused notice to the petitioner to show cause why his driving licence should not be cancelled. The said show cause notice is issued erroneously citing Section 21 of Motor Vehicles Act, 1988. The petitioner herein instead of giving his explanation has requested the second respondent to grant four weeks time to give his explanation. Not satisfied with the reasons for seeking extension, the second respondent has passed an order of suspending the licence of the petitioner for a period of six months. The said order is under challenge.

5. Instead of adverting to the merits of this order, time is granted to the petitioner to submit his explanation to the show cause notice which has wrongly mentioned under Section 21 of the Motor Vehicles Act, 1988 instead of Section 19 of the Motor Vehicles Act, 1988. On receipt of the explanation, the second respondent shall pass appropriate order after affording due opportunity of hearing. Till then, the order passed by the second respondent dated 14.05.2019 shall be kept in abeyance.

6. With the above direction, this Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To:

1. Inspector of Police, Traffic Investigating Wing, Coimbatore
East Police Station, Coimbatore.

2. The Licencing Authority-cum-Regional Transport Officer,
Coimbatore Central, Coimbatore.

+lcc to Mr.K.Hariharan , Advocate SR.No. 53573

W.P.No.17856 of 2019

A.SK(28/06/2019)