



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 30.07.2019

Coram::

The Honourable Dr.Justice G.Jayachandran

W.P.No.21653 of 2019

S.Sulthan Jameer,
S/o.Shahul Hameed,
No.7B/3, New Ramnad Road, Madurai East,
Madurai - 625 009. Petitioner

/verus/

1. State represented by its
The Licensing Authority-cum-Regional Transport Officer,
The Regional Transport Office,
Dharapuram - 638 657,
Tiruppur District.
2. The Inspector of Police,
Dharapuram Police Station,
in Crime No.151/2018,
Tiruppur District. Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue Writ of Mandamus, to direct the 1st respondent herein to return the Original Driving License (D.L.No.TN-59-20110007108) to the petitioner forthwith which was seized on 30.03.2018 by considering the representation made by the petitioner to the 1st respondent on 04.05.2018 requesting to return the Original Driving License (DL.No.TN-59-20110007108) to the petitioner.

For Petitioner : Mr.P.Kalimuthu

For R1 & R2 : Mr.P.Rajalakshmi, AGP

O R D E R

Heard the Learned Counsel for the Petitioner and the Learned Additional Government Pleader for the respondents 1 & 2.

2. Pursuant to the direction of this Court, the respondents have handed over the Original Driving License to the petitioner and same has also been received by the petitioner/S.Sulthan Jameer, today under acknowledgement.

3. This Court, after perusing the records, the communication of the 1st respondent/the Regional Transport Officer, Dharapuram, dated 11.05.2018 and the communication of the Regional Transport Office, Madurai (North) dated 26.07.2019 is of the opinion that the both the Regional Transport Officers in Transport Department have taken the life and liberty of the individuals very causally while exercising their power under Section 19 of the Motor Vehicles Act. It is a clear case of indifference shown by Regional Transport Officer, Dharapuram as well as Regional Transport Officer, Madurai (North). When the petitioner has caused road accident on 30.03.2018 causing death, the Driving License of the petitioner has been seized by the Police and handed over to the 1st respondent/Regional Transport Officer, Dharapuram. Thereafter, the Officer who was in-charge has not taken any action or proceedings in the manner known to law, which has forced the petitioner herein to file this Writ Petition seeking return of Original Driving License bearing No.D.L.No.TN-59-2011000718.

4. The Learned Counsel for the petitioner would submit that the Petitioner herein is a driver in a Private Transport, has been deprived of his livelihood by the act of the 1st respondent/Regional Transport Office, who has retained the Original Driving License but has not taken any action in accordance with law. However, after filing the Writ Petition, the Learned Counsel for the respondents have circulated a proceedings of the 1st respondent/Regional Transport Officer, Dharapuram, apparently signed on 11.05.2018, wherein, the 1st respondent/ Regional Transport Officer, Dharapuram, has suspended the Driving License of the petitioner from 30.03.2018 to 29.09.2018 and the copy of this has been sent to Regional Transport Officer, Madurai (North), to hand over the Driving License to the petitioner, after expiry of the suspension period. It is a case of the petitioner herein that neither show cause notice nor the order of suspending the Driving License for the period of six months was served on the petitioner.

5. Today, the Learned Additional Government Advocate has circulated letter of the Regional Transport Officer, Madurai

(North), dated 26.07.2019, wherein, he has informed the Additional Government Advocate that the petitioner has to undergo two days Refresher Course, at the Institute of Road Transport and submit medical certificate, thereafter, he can get back the Driving License. It is very unfortunate that these Officers in Regional Transport Departments, Dharapuram and Madurai (North), expects the Court to interfere in every matter and direct them to do the job, expected from them in the normal course.

6. Here is a case, where the 1st respondent/Regional Transport Office, has retained the Driving License of the petitioner on 30.03.2018 and never cared to return it back even after a perfunctory order of suspension of Driving License for a period of six months, which expired on 29.09.2018. Only after filing the Writ Petition, very reluctantly they have started acting upon and that to in contrary to the procedure.

7. This Court is very unhappy over the manner in which the Regional Transport Officers in the Transport Department are functioning, while exercising their power under Section 19 of the Motor Vehicles Act. This is not the first case, for this Court to note such lackluster attitude in the matter of detaining the Driving License of the professional drivers without holding enquiry or creating record as if they have conducted enquiry once the drivers approach the Court. Therefore, the Secretary, Transport Department, is requested to take departmental action against these two Officials and also order compensation to the petitioner/Sulthan Jameer herein payable by these two Officials, for depriving his livelihood for more than 10 months by not ensuring the return of Diving Licence to the petitioner herein even after expiry of the suspension period.

8. Accordingly, the Writ Petition is disposed of. No costs.

Sd/-
Assistant Registrar (CS)

//True copy//

Sub Assistant Registrar

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To,

1. The Licensing Authority-cum-Regional Transport Officer,
The Regional Transport Office,
Dharapuram - 638 657,
Tiruppur District.

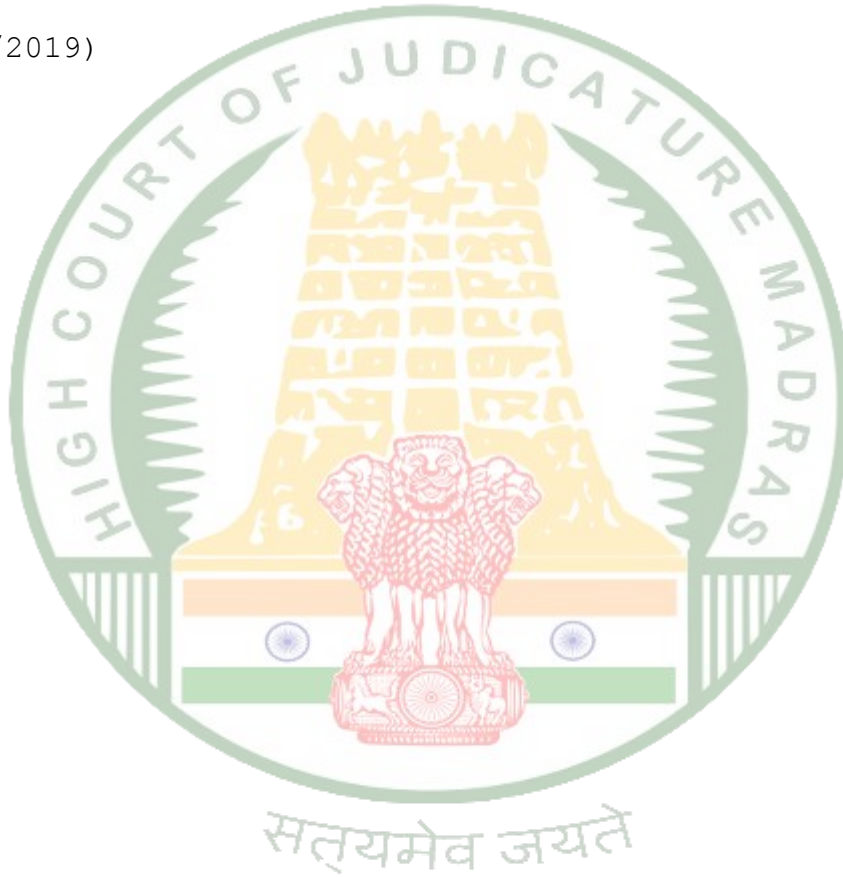
2. The Inspector of Police,
Dharapuram Police Station,
in Crime No.151/2018,
Tiruppur District.

+1cc to Mr.P.Kalimuthu, Advocate SR.No.65237

+1cc to Government Pleader, High Court, Madras SR.No.65575

W.P.No.21653 of 2019

PPA (CO)
GMY (18/09/2019)



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