



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 15.11.2019

Coram:

The Honourable Dr.Justice G.Jayachandran

W.P.No.31737 of 2019

& W.M.P.No.31941 of 2019

S.Loganathan,
S/o.Subramaniam,
Residing at Thalavumalai,
K.G.Valasu, (P.O), Murugatholuv,
Erode District.

... Petitioner

/versus/

The Regional Transport Officer,
Regional Transport Office,
Trippur District.

... Respondent

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, praying to issue Writ of Certiorarified Mandamus, to call for the records of the respondent in proceeding No.7137 Ee 3-19 dated 02.08.2019 and to quash the same as illegal and consequently directing the respondent to returned the driving license of the petitioner and to follow the judgment given by this Hon'ble Division Bench reported in 2010 Writ Law Report 100.

For Petitioner : Mr.R.Y.George Williams

For Respondent : Mr.J.Purushothaman,
Government Advocate

O R D E R

Heard the Learned Counsel for the Petitioner and the Learned Government Advocate for the respondent.

2. The petitioner herein is a employee (Driver) in Tamil Nadu State Transport Corporation. On 15.06.2019, he has caused an accident causing death of a two wheeler. Hence, case has been registered against the petitioner in Crime No.337/19, Vellakovil Police Station, Triuppur District. The Inspector of Police has informed the Regional Transport Officer, that the victim has succumbed to injury and therefore, action should be taken against the petitioner of negligent driving. The Driving License of the petitioner was seized by the police and forwarded to the Regional Transport Officer, who has caused notice to the petitioner, why action should not be taken against the petitioner under Section 19(1) of Motor Vehicles Act.

3. In response to the show cause notice, the petitioner has submitted his representation and after considering the submission of the 1st respondent, had temporarily suspended the Driving License of the petitioner from 17.6.2019 to 16.12.2019.

4. The Learned Counsel for the petitioner would submit that, in view of the Division Bench Judgment of this Court in P.Sethuram Vs. Licensing Authority, Regional Transport Officer, the 2nd respondent has no authority to seize the license without following procedure establishment under the law and mere registration of criminal case is not sufficient to conclude the offence. The contention of the petitioner is not legally sustainable in view of the power of interim suspension of Driving License confirmed on Licensing Authority under Section 19 of the Motor Vehicles Act. Only in case of permanent revocation of license, this Court has held that there must a conviction by the Criminal Court but in case of temporary suspension of Driving License, proper notice to be caused to the licensee and after hearing him, orders has to be passed as per merit. In this case, the respondent has afforded opportunity to the petitioner herein and only after considering his explanation, order of interim suspension of license has been passed. Therefore, this Court finds that no merit in the Writ Petition. Accordingly, the Writ Petition is dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar (CS-IV)

// True Copy//

Sub Assistant Registrar

bsm

To

The Regional Transport Officer,
Regional Transport Office,
Trippur District.

+1CC to Mr.RY.George, Advocate, SR.No.95642.

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NMI (CO)

CSR: 13/12/2019