

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED: 11.06.2019

CORAM

THE HONOURABLE DR. JUSTICE ANITA SUMANTH**W.P(MD)No.12729 of 2019**

M.Kathiresan

... Petitioner

Vs.

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

2.The Inspector of Police,
Nagamalai Pudukottai Police Station,
Nagamalai Pudukottai,
Madurai.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of writ of mandamus directing the first respondent to return the driving license of the petitioner bearing D.L.No. TN-59-19910008673 forthwith.

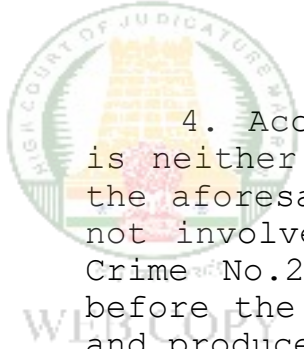
For Petitioner : Mr.S.Arunachalam

For Respondents : Mr.A.Thiagarajan
Government Advocate**O R D E R**

The Petitioner prays for issuance of writ of mandamus directing the first respondent to return the driving license of the petitioner bearing D.L.No. TN-59-19910008673 forthwith.

2.Heard the learned counsel for the petitioner and Mr.A.Thiagarajan, learned Government Advocate, who takes notice on behalf of the respondents.

3. Learned counsel for the petitioner submits that the petitioner holds a driving license since November 1991. He is employed as a permanent Driver in the Tamilnadu State Transport Corporation(M) Ltd from the year 2008. There was an allegation that on 24.04.2019 at 5.30 p.m, when he was driving bus bearing Registration No. TN-58-N-1167, the said bus was involved in an accident and a passenger travelling in the bus had fallen down from the steps, sustaining injuries.



4. According to the learned counsel for the petitioner, there is neither a report nor a complaint with regard to the accident on the aforesaid date and the petitioner is categorical that the bus was not involved in any such accident or untoward incident. A case in Crime No.213 of 2019 has been registered against the petitioner before the Nagamalai Pudukkottai Police Station. The bus was called and produced for inspection.

5. In spite of his denial of the aforesaid accident, the petitioners' license was seized by the authorities. Hence, the present writ petition praying for a mandamus directing the first respondent to return the driving license.

6. The provisions of Section 19 of the Motor Vehicles Act, 1988, (In short 'Act') empower the licensing authority to disqualify a person holding a driving license or to revoke the same in specified situations. Admittedly, none of the conditions are attracted to the present case.

7. Section 19 of the Motor Vehicles Acts reads as follows:

Power of licensing authority to disqualify from holding a driving license or revoke such license- (1) If a licensing authority is satisfied, after giving the holder of a driving license an opportunity of being heard, that he -

(a) is a habitual criminal or a habitual drunkard; or

(b) is a habitual addict to any narcotic drug or psychotropic substance within the meaning of the Narcotic Drugs and Psychotropic Substances Act, 1985 (61 of 1985); or

(c) is using or has used a motor vehicle in the commission of a cognizable offence; or

(d) has by his previous conduct as driver of a motor vehicle shown that his driving is likely to be attended with danger to the public; or

(e) has obtained any driving any driving license or a license to drive a particular class or description of motor vehicle by fraud or misrepresentation; or

(f) has committed any such act which his likely to cause nuisance or danger to the public, as may be prescribed by the Central Government, having regard to the objects of this Act; or

(g) has failed to submit to, or has not passed, the tests referred to in the provision to sub-section (3) of section 22; or

(h) being a person under the age of eighteen years who has been granted a learner's license or a driving license with the consent in writing of the person having the care of the holder of the license and has



ceased to be in such care,
it may, reasons to be recorded in writing, make an order-

(i) disqualifying that person for a specified period for holding or obtaining any driving license to drive all or any classes or descriptions of vehicles specified in the license; or

(ii) revoke any such license.

8. Learned counsel appearing for the respondents was asked to verify with the records and confirm whether any written orders have been passed by the authorities, after hearing the petitioner, suspending the license. He confirms that no such proceedings have been initiated and no such order has been passed.

9. In the aforesaid circumstances, I see no justification for seizure of petitioners' license by the authorities, at this stage.

10. I also draw support from an order of a Division Bench of this Court in W.A(MD)No.176 of 2009 dated 22.06.2009, wherein, while dealing a similar set of facts, the Bench has directed the return of the original driving license.

11. In the light of the above discussion, I direct the 1st respondent to return the driving license to the petitioner within a period of two weeks from the date of receipt of a copy of this order.

12. I also clarify that this order will not, in any way, prejudice the initiation of any proceedings by the authorities for cancellation of license, and such proceedings, if any, shall run their own course and be concluded in accordance with law.

13. In fine, this writ petition is allowed. No costs.

SD

ASSISTANT REGISTRAR (AD I)

TRUE COPY

SUB ASSISTANT REGISTRAR (CS III)

CM

To

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



2.The Inspector of Police,
Nagamalai Pudukottai Police Station,
Nagamalai Pudukottai,
Madurai.

WEB COPY

1CC TO MR. S.ARUNACHALAM, ADVOCATE SR 68617

1CC TO THE SPL GOVT PLEADER SR 68333

KK

19/06/2019

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W.P (MD) No.12729 of 2019

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