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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **24.06.2019**

CORAM:

THE HONOURABLE **DR.JUSTICE ANITA SUMANTH**

W.P.[MD]No.14043 of 2019

S.Palanichamy

... Petitioner

Vs.

1.The Regional Transport Officer,  
Regional Transport Office,  
Chennamayakkanpatti, Dindigul - 624 004.

2.The Regional Transport Officer,  
Regional Transport Unit Office,  
near Union Office, Veda sandur - 624 710,  
Dindigul District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the respondents to return the petitioner's Original Driving License bearing No.TN-57-19970004048 to the petitioner forthwith.

|                 |                                                 |
|-----------------|-------------------------------------------------|
| For Petitioner  | : Mr.C.Prakasam                                 |
| For Respondents | : Mr.R.Murugan<br>Additional Government Pleader |

**ORDER**

The Petitioner prays for issuance of writ of mandamus directing the respondents to return the petitioner's Original Driving License bearing No.TN-57-19970004048 to the petitioner forthwith.

2. Heard the learned counsel for the petitioner and Mr.R.Murugan, learned Additional Government Pleader, who takes notice on behalf of the respondents.

3. Learned counsel for the petitioner submits that the petitioner holds a driving license since 04.11.1997. He is employed as a Driver in Tamil Nadu State Transport Corporation Ltd., Dindigul Region, Madurai Division, from the year 2013. On 13.06.2019, when he was driving a bus bearing Registration No.TN-57-N-2162 plying between Vadamadurai to Ottanchatram at Eriyodu, at about 08.00 a.m., a Motorbike had come in front of the bus and had collided with the bus. The driver of the motorbike died on the spot and FIR has been registered in Crime No.125 of 2019 dated 13.06.2019 at Eriyodu Police Station, Dindigul District.



4. The petitioner denies that he was negligent and states that he had been driving the bus, strictly adhering to the traffic rules and regulations. The accident had occurred only on account of the negligence of the deceased driver. The bus was called for 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 Act, 1988 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.

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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 on the basis of oral instructions that proceedings are ongoing for confiscation, but no speaking order has been passed in terms of Section 19(1) of the Act, thus far.

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 the case of *S.Murugesan vs. the Licensing Authority, The Regional Transport Officer, The Regional Transport Office, Srirangam, Trichy*, 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 1<sup>st</sup> 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. The petitioner shall also cooperate in the event proceedings are initiated by the authorities and shall appear and cause production of the vehicle concerned, as and when required by the authorities.

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

Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar (CS)

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To

- 1.The Regional Transport Officer,  
Regional Transport Office,  
Chennamayakkanpatti, Dindigul - 624 004.
- 2.The Regional Transport Officer,  
Regional Transport Unit Office,  
near Union Office, Vedasandur - 624 710,  
Dindigul District.

+1CC TO MR.C.PRAKASAM, Advocate Sr. No.70774

+1CC TO THE SPECIAL GOVERNMENT PLEADER SR.No. 71126

Order made in  
**W.P. [MD] No.14043 of 2019**

Dated: **24.06.2019**

NR(CO)

TR (26.06.2019) 4P 5C