



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.08.2019

CORAM

THE HONOURABLE DR.JUSTICE ANITA SUMANTH

W.P(MD)No.16402 of 2019

N.Ravi

... Petitioner

Vs.

The Regional Transport Officer,
The Regional Transport Office-East,
Kulithalai,
Karur-District.

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of writ of mandamus directing the respondent to return the driving license of the petitioner bearing D.L.No. TN 37-2005 0019461 to the petitioner forthwith.

For Petitioner : Mr.S.Arunachalam

For Respondent : Mr.R.Murugan
Additional Government Pleader

O R D E R

The Petitioner prays for issuance of writ of mandamus directing the respondent to return the driving license of the petitioner bearing D.L.No. TN 37-2005 0019461 forthwith.

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

3. Learned counsel for the petitioner submits that the petitioner holds a driving license since November 2005. He is employed as a permanent Driver in the Tamilnadu State Transport Corporation(M) Ltd from the year 2015, now employed at the Ondiputhur Branch. On 25.06.2019 at 2.15 p.m, when the petitioner was driving bus bearing Registration No. TN-38-N-3130, the bus was involved in an accident with a two wheeler. According to the learned counsel for the petitioner, the accident was occasioned only due to the rash driving of the rider of the two wheeler.

4. A case in Crime No.280 of 2019 has been registered against the petitioner before the Kulithalai Police Station.



5. In the course of the proceedings, the petitioners' driving license was seized by the authorities. Hence, the present writ petition, praying for a mandamus directing the respondent to return the driving license.

6. The provisions of Section 19 of the Motor Vehicles Act, 1988, empowers the licensing authority to disqualify a person holding a driving license or to revoke the same in specified situations. Admittedly, none of the specified 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 is 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.

(2) Where an order under sub-section (1) is made the holder of a driving license shall forthwith surrender his driving license to the licensing authority making the order, if the driving license has not already been surrendered, and the licensing authority shall,-

(a) if the driving license is a driving license issued under this Act, keep it until the disqualification has expired or has been removed, or

(b) if the not a driving license issued under this Act, endorse the disqualification upon it and sent it to the licensing authority by which it was issued; or

(c) in the case of revocation of any license, endorse the revocation upon it and if it is not the authority which issued the same, intimate the fact of revocation to the authority which issued that license.

Provided that where the driving license of a person authorises him to drive more than one class or description of motor vehicles and the order, made under sub-section (1) disqualifies him from driving any specified class or description of motor vehicles, the licensing authority shall endorse the disqualification upon the driving license and return the same to the holder.

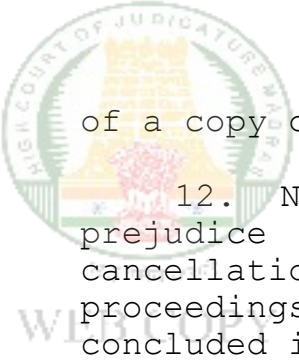
(3) Any person aggrieved by an order made by a licensing authority under sub-section (1) may, within thirty days of the receipt of the order, appeal to the prescribed authority, and such appellate authority shall give notice to the licensing authority and hear either party if so required by that party and may pass such order as it thinks fit and an order passed by any such appellate authority shall be final.

8. The learned Additional Government Pleader confirms that no orders have been passed by the authorities, thus far suspending/revoking the petitioners' driving license.

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

10. I draw support in this respect, from an order of a Division Bench of this Court in W.A(MD)No.176 of 2009 dated 22.06.2009, in the case of S.Murugesan Vs. The Licensing Authority, the Regional Transport Officer, Srirangam, Trichy, wherein, while dealing with a similar set of facts, the Bench had directed the return of the original driving license to the petitioner therein.

<https://hcservices.courts.gov.in/hcservices/>
11. The respondent will return the driving license of the petitioner to him within a period of two weeks from date of receipt



of a copy of this order.

12. Needless to say, this order will not, in any way, prejudice the initiation of proceedings by the authorities for cancellation/revocation/ suspension of license. Any such proceedings, if initiated, 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 (CO)

// True Copy //

Sub Assistant Registrar (CS)

To,
The Regional Transport Officer,
The Regional Transport Office-East,
Kulithalai, Karur-District.

+1 CC to M/s.SPL GP (SR-80772[F] dated 08/08/2019)

+1 CC to M/s.S.ARUNACHALAM, Advocate (SR-80926[F] dated 09/08/2019)

W.P (MD) No.16402 of 2019
07.08.2019

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