



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.08.2019

CORAM

THE HONOURABLE DR.JUSTICE ANITA SUMANTH

W.P(MD)No.16867 of 2019

M.Mariyappan

... Petitioner

Vs.

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

... Respondent

PRYAER: Writ Petitions are filed under Article 226 of the Constitution of India praying for the issuance of a writ of mandamus directing the respondent to return the driving license of the petitioner bearing D.L.No. TN 59 19860002427 forthwith.

For Petitioner : Mr.S.Arunachalam

For Respondent : Mr.R.Murugan
Additional Government Pleader

O R D E R

The petitioner prays for a mandamus directing the respondent to return the driving license D.L.No. TN 59 19860002427 forthwith.

2.The petitioner has been holding driving license since 09.06.1986 and is employed as Driver in the Tamil Nadu State Transport Corporation (Madurai) Limited from 18.10.1994. Presently, he is employed at Ponmeni Branch. On 14.06.2019, when the petitioner was running a bus between Madurai Periyar Bus stand and Poruppu Mettupatti and while in transit, he encountered speed breaker and at that juncture, appears to have momentarily lost control of the bus, crashing into a two wheeler. Due to that, two persons were injured, one seriously. First Information Report has been registered at Nagamalai Police Station in Crime No.276 of 2019. A police enquiry is on-going.

3. While this is so, the respondent has passed an order dated 24.06.2019 suspending the license of the petitioner for a period of three months i.e from 24.06.2019 to 23.09.2019. The petitioner states that there have been no accidents caused by him and he has neither faced any charges nor suffered conviction.

<https://hcservices.ecourts.gov.in/hcservices/>

4. 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.

5. 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.
- (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.

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

7. In the aforesaid circumstances, the respondent is directed to return the driving license of the petitioner within a period of two weeks from the date of receipt of a copy of this order.

8. I also clarify that this order will not stand in the way of the criminal trial in any manner whatsoever and the petitioner will appear and co-operate in full in the criminal proceedings as and when directed.

9. This writ petition is disposed of in the abovesaid terms. No costs.

Sd/-

Assistant Registrar (CO)

// True Copy //



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

WEB COPY

+1 CC to M/s.SPL GP (SR-82848[F] dated 21/08/2019)

+1 CC to M/s.S.ARUNACHALAM, Advocate (SR-83076 dated 22/08/2019)

W.P (MD) No.16867 of 2019
20.08.2019

CM

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