



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.11.2019

CORAM:

THE HONOURABLE MR.JUSTICE M.GOVINDARAJ

W.P. (MD)No.18033 of 2019
and
W.M.P. (MD)No.14482 of 2019

R.Thangaraj : Petitioner

Vs.

1.The Joint Transport Commissioner,
O/o. Joint Transport Commissioner,
Pudukulam, K.Pudur,
Madurai-625 007.

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

3.The Regional Transport Officer,
Regional Transport Unit Office,
Near Union Office,
Vedasandur - 624 710,
Dindigul District.

: Respondents

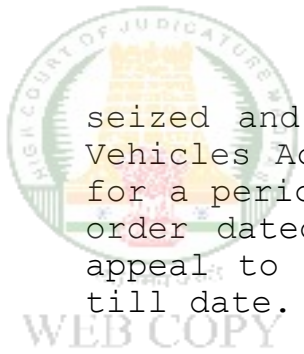
PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus, to call for the records in pursuant to the impugned order passed by the second respondent in செ.மு.ஆனந்தசுந்தரன்.28424.2.1-2019, dated 09.07.2019 and to quash the same as illegal and consequently, directing the second respondent to return the petitioner's original driving licence bearing D.L.TN 33Y 1988 0000517 to the petitioner forthwith.

For Petitioner : Mr.C.Prakasam

For Respondents : Mr.J.Gunaseelan Muthiah,
Additional Government Pleader

ORDER

The petitioner is a driver of the omni bus. On 23.06.2019, while he was driving the bus from Coimbatore to Kulasekharam, a two wheeler rider hit the bus from behind and suffered head injury and subsequently died, due to which, the petitioner's licence was



seized and the second respondent under Section 19(1) of the Motor Vehicles Act, 1988, imposed the punishment of suspension of licence for a period of six months between 23.06.2019 and 22.12.2019, by its order dated 09.07.2019, against which, the petitioner preferred an appeal to the first respondent on 15.07.2019. The same is pending till date. Hence, the petitioner is before this Court.

2. The learned counsel appearing for the petitioner would submit that originally the licence was seized by the police concerned and handed over to the custody of the third respondent, who in turn, handed over the same to the second respondent. He would also submit that before passing an order suspending or revoking the licence, the Licensing Authority has no power to impound the licence, as held by a Division Bench of this Court, in P.Sethuram v. The Licensing Authority, The Regional Transport Officer, Dindigul, reported in 2010 Writ L.R. 100.

3. Heard the learned Additional Government Pleader appearing for the respondents also.

4. Considering the facts and circumstances of the case and also considering the fact that an appeal is filed as early as on 15.07.2019 and the same is pending before the appellate authority, a direction is given to the first respondent to consider the appeal made by the petitioner dated 15.07.2019, in the light of the judgment of the Division Bench of this Court in P.Sethuram's case referred to supra and pass orders on merits and in accordance with law, within a period of two weeks from the date of receipt of a copy of this order.

5. The Writ Petition stands disposed of with the above direction. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CO)

// True Copy //

Sub Assistant Registrar (CS)

SML

To

1.The Joint Transport Commissioner,
O/o. Joint Transport Commissioner,
Pudukulam, K.Pudur,
Madurai-625 007.

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



2.The Regional Transport Officer,
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Vedasandur - 624 710,
Dindigul District.

+1 CC to M/s.C. PRAKASAM, Advocate (SR-97549[F] dated 12/11/2019)

Order made in
W.P. (MD) No.18033 of 2019
Dated: 11.11.2019

JMN(13.11.2019) 3P : 5C