



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.11.2019

CORAM:

THE HONOURABLE MR.JUSTICE M.GOVINDARAJ

W.P. (MD)No.20884 of 2019
and
W.M.P. (MD)No.17467 of 2019

Robert Singh : Petitioner
Vs.

1.The Additional Licensing Authority,
Neyyattinkara,
Kerala.

2.The Regional Transport Officer,
The Regional Transport Office,
Marthandam.

: Respondents

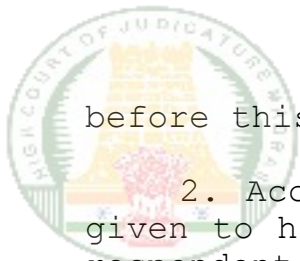
PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order passed by the first respondent in Order No.L5/2341/NTA/2019, dated 22.07.2019, quash the same and consequently, direct the second respondent to return the petitioner's driving licence and to drop action against him.

For Petitioner : Mr.G.M.Xavier

For Respondents : Mr.P.Kannithevan,
Additional Government Pleader

ORDER

The petitioner is a driver employed under the Tamil Nadu State Transport Corporation (Tirunelveli) Limited. While he was driving a bus bearing Registration No.TN-74-N-1775 between Colachal and Trivanandhapuram, a motor cyclist came in a rash and negligent manner and losing control, he hit the bus and sustained injuries and subsequently, died. An FIR was filed against the petitioner in Crime No.427 of 2019 and the police have seized the licence. Thereafter, the first respondent issued a show cause notice under Section 19(1) of the Motor Vehicles Act, 1988 and passed the impugned order in Order No.L5/2341/NTA/2019, dated 22.07.2019, disqualifying the petitioner's licence for a period of one year from 22.07.2019 to 21.07.2020. Thereafter, the first respondent handed over the licence to the second respondent. Aggrieved over the same, the petitioner is



before this Court.

2. According to the petitioner, opportunity of hearing was not given to him. Even before the criminal case is concluded, the first respondent has come to a conclusion that the petitioner is guilty of negligent driving. Therefore, the impugned order is liable to be set aside.

3. When an order under Section 19(1) of the Motor Vehicles Act, 1988 is passed, there is an appeal remedy available under Section 19 (3) of the Motor Vehicles Act, 1988. Without exhausting the appeal remedy, the petitioner cannot approach this Court. However, the petitioner, if he chooses, can file an appeal before the appellate authority and on such appeal being filed, a further direction is given to the appellate authority to dispose of the same on merits and in accordance with law, within a period of one month from the date of receipt of appeal.

4. 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 Additional Licensing Authority,
Neyyattinkara, Kerala.

2.The Regional Transport Officer,
The Regional Transport Office,
Marthandam.

Copy to:

The Section Officer, ER Section,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.G.M.XAVIER, Advocate (SR-97360[F] dated 11/11/2019)
+1 CC to M/s.SPL GP (SR-97765[F] dated 12/11/2019)

Order made in
W.P. (MD)No.20884 of 2019
Dated: 11.11.2019

JMN(14.11.2019) 2P : 6C

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