

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.01.2020

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P.No.1238 of 2020
and
W.M.P.No.1496 of 2020

Rajendran,
S/o.Iyyarsamy

.. Petitioner

-vs-

1.The Regional Transport Officer/
Licensing Authority,
Mettupalayam,
Coimbatore District.

2.The Inspector of Police,
Periyannayakanpalayam,
Coimbatore District.

.. Respondents

Petition under Article 226 of the Constitution of India
praying for issuance of Writ of Certiorari to call for the
records pertaining to the impugned proceedings dated 19.12.2019
in Show Cause No.TN40/2019/90 passed by the 1st respondent and
quash the same.

For Petitioner : Mr.S.Vinoth Kumar

For Respondents : Mr.G.K.Muthukumar,
Special Government Pleader

ORDER

Heard Mr.S.Vinoth Kumar, learned counsel for the petitioner
and Mr.G.K.Muthukumar, learned Special Government Pleader
accepting notice on behalf of the respondents.

2.With consent on either side, this writ petition is taken
up for final disposal.

3.The petitioner who is working as a driver in the Tamil Nadu State Transport Corporation is aggrieved by the proceedings of the first respondent dated 19.12.2019, suspending the petitioner's driving licence for a period from 17.12.2019 to 16.06.2020, i.e., for a period of 5 months and 30 days.

4.It is the argument of the learned counsel for the petitioner that though the petitioner is not aggrieved by the order of suspension, it should date back to the date on which the case is registered. In this regard, the learned counsel has referred to Section 21 of the Motor Vehicles Act, 1988 (for brevity "the Act").

5.As rightly pointed out by the learned Special Government Pleader, the impugned order of suspension has been passed under Section 19(1)(d) & (f) of the Act read with Rule 21 of the Central Motor Vehicles Rules, 1989, which confers power on the first respondent to pass the order of suspension specifying the period.

6.Section 21(1) of the Act contemplates automatic suspension of licence, where a person is previously convicted of an offence punishable under Section 184, a case is registered by a police officer on the allegation that such person has, by such dangerous driving as is referred to in Section 184, of any class or description of motor vehicle caused the death of, or grievous hurt to, one or more persons, the driving licence held by such person shall in relation to such class or description of motor vehicle become suspended. Therefore, the petitioner cannot rely upon Section 21 of the Act to state that the order of suspension should date back to the date on which the case was registered. Hence, there are no grounds made out by the petitioner to interfere with the impugned order.

7.For the above reasons, this writ petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS-VI)

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Sub Assistant Registrar

abr

To

1.The Regional Transport Officer/
Licensing Authority,
Mettupalayam,
Coimbatore District.

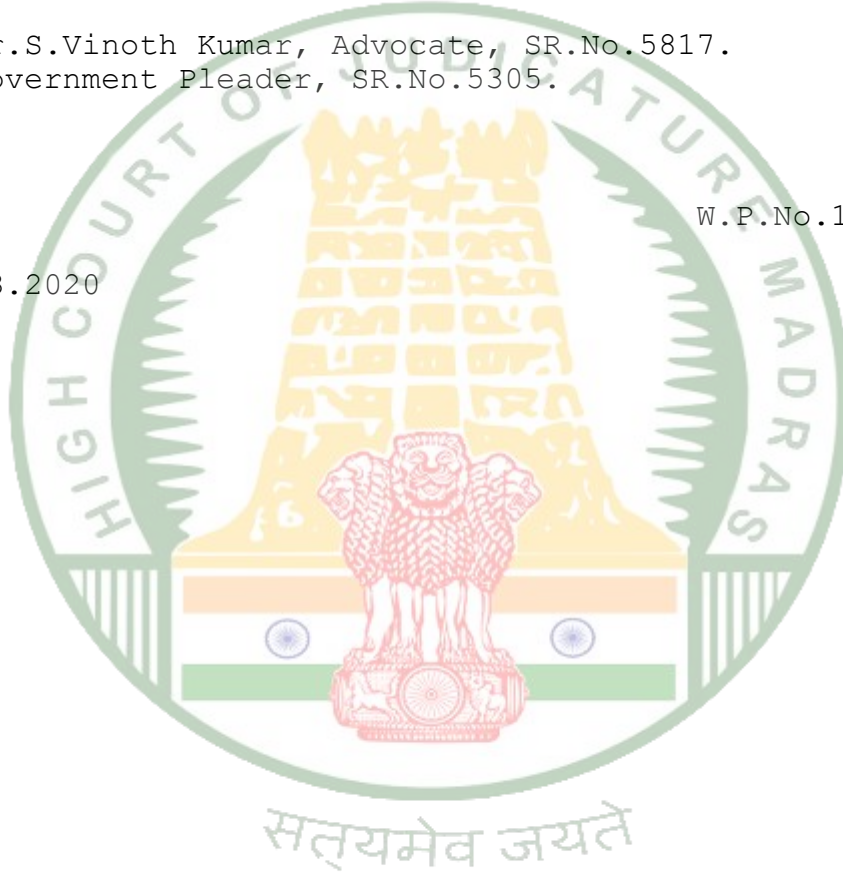
2.The Inspector of Police,
Periyannayakanpalayam,
Coimbatore District.

+1cc to Mr.S.Vinoth Kumar, Advocate, SR.No.5817.

+1cc to Government Pleader, SR.No.5305.

W.P.No.1238 of 2020

PA (CO)
CSR: 02.03.2020



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