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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.01.2020

CORAM

THE HON'BLE MR. JUSTICE P.D. AUDIKESAVALU

W.P. No. 31640 of 2019

N. L. Sangar

... Petitioner

-vs-

1. The Inspector of Police,
Kaveripattanam Police Station,
Krishnagiri District.

2. The Licensing Authority-cum-
Regional Transport Officer,
Krishnagiri, Krishnagiri District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the Second Respondent herein to return the original driving licence (DL. No. TN 36 19920001803) to the Petitioner forthwith.

For Petitioner : Mr. K. Hariharan

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

O R D E R

Heard Mr. K. Hariharan, Learned Counsel for the Petitioner, Mr. G.K. Muthukumar, Learned Special Government Pleader appearing for the Respondents and perused the materials placed on record, apart from the pleadings of the parties.

2. The Petitioner is employed as driver in KPN Travels, Salem and while on duty, the bus bearing registration no. KA 51 C 9299 driven by him had met with an accident on 18.10.2019. The Police Officer investigating that accident had seized the driving licence of the Petitioner on 18.10.2019, had forwarded it to the Licensing Authority, and despite representation made, it had not been returned to him. In that factual backdrop, relying on the decision of the Division Bench of this Court in P. Sethuram -vs- Licensing Authority, Regional Transport Officer, Dindigul (2010 WLR 100) holding that the provisions of the Motor Vehicles Act, 1988, (hereinafter referred to as 'the Act' for short) do not



empower the Licensing Authority to suspend or revoke a driving licence for a first offence, the Petitioner has filed this Writ Petition for a direction to the Licensing Authority to return his driving licence.

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3. Learned Special Government Pleader appearing for the Respondents submits that certain amendments have been made to the Act, which have come into force from 01.09.2019 onwards and clause (4) in Section 206 and clause (1-A) in Section 19 have been inserted to the Act, which have bearing to the contentions raised in the Writ Petition and read as follows:-

"206. Power of police officer to impound document:-

....

(4) A police officer or other person authorised in this behalf by the State Government shall, if he has reason to believe that the driver of a motor vehicle has committed, an offence under any of Sections 183, 184, 185, 189, 190, 194-C, 194-D or 194-E, seize the driving licence held by such driver and forward it to the licensing authority for disqualification or revocation proceedings under Section 19:

Provided that the person seizing the licence shall give to the person surrendering the licence a temporary acknowledgement therefor, but such acknowledgement shall not authorise the holder to drive until the licence has been returned to him."

"19. Power of licensing authority to disqualify from holding a driving licence or revoke such licence:-

....

(1-A) Where a licence has been forwarded to the licensing authority under sub-section (4) of Section 206, the licensing authority, if satisfied after giving the holder of the driving licence an opportunity of being heard, may either discharge the holder of a driving licence or, it may for detailed reasons recorded in writing, make an order disqualifying such person from holding or obtaining any licence to drive all or any class or description of vehicles specified in the licence:-

(a) for a first offence, for a period of three months;

(b) for a second or subsequent offence, with revocation of the driving licence of such person:

Provided that where a driving licence is revoked under this Section, the name of the holder of such driving licence may be placed in the public domain in



such manner as may be prescribed by the Central Government."

It is submitted that in view of the same, the lacunae highlighted by the Division Bench of this Court no longer exists, and the impugned action of seizing the driving licence of the driver of the vehicle involved in an accident by the Police Officer and forwarding it to the Licensing Authority, now has statutory backing and as such, that decision of the Division Bench of this Court would not have any applicability in cases where the accident has occurred after the amendments to the Act have come into force, as in the present one. It is also informed that pursuant to the recommendations made by the Committee on Road Safety appointed by the Hon'ble Supreme Court of India, after issuing Show Cause Notice dated 24.10.2019, the Licensing Authority by order No. 43336/B2/2019 dated 24.10.2019 has suspended the driving licence of the Petitioner, which was communicated to him by Registered Post, but the same has been returned unserved with postal endorsement 'door locked'. In view of the same, Learned Counsel for the Petitioner seeks permission of this Court to withdraw the Writ Petition with liberty to the Petitioner to collect the aforesaid order of suspension of his licence from the Licensing Authority and impeach the same before the proper forum in the manner recognized by law and he has made an endorsement to that effect, which is recorded.

4. Accordingly, the Writ Petition is dismissed as withdrawn granting such liberty. No costs.

Sd/-

Assistant Registrar (CS-I)

//True Copy//

Sub Assistant Registrar

arb/vjt

To

1. The Inspector of Police,
Kaveripattanam Police Station,
Krishnagiri District.
2. The Licensing Authority-cum-
Regional Transport Officer,
Krishnagiri, Krishnagiri District.

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GJ(CO)
GN(04/03/2020)