



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:18.02.2020

CORAM:

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA

W.P(MD)No.701 of 2020
and
W.M.P. (MD) No.509 of 2020

P.Sivakumar

... Petitioner

Vs.

1) The Regional Transport Officer,
Transport Department,
Government of Tamil Nadu,
Kumbakonam,
Thanjavur District,
Tamil Nadu 611 003

2) The Inspector of Police,
Valangaiman Police Station,
Thiruvarur District.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order passed by the 1st respondent herein in show cause notice No.TN 68/2019/76 dated 29.11.2019 and to quash the same and consequently direct the 1st respondent to return the original driving license No.TN-49-Z 1985 0000464 to the petitioner forthwith.

For Petitioner : Mr.D.Sivaraman

For Respondent : Mr.Rajarajan,
Government Advocate

O R D E R

Mr.Rajarajan, learned Government Advocate takes notice on behalf of the respondents.

2. By consent, the writ petition is taken up for final disposal at the admission stage itself.

3. The writ petition is filed challenging the order passed by the first respondent dated 29.11.2019 for the offence under Section 19(1) (d) and (f) of Motor Vehicles Act, 1988 read with Rule 21 of the Central Motor Vehicles Rules, 1989 and for suspending the driving license of the petitioner for the period from 26.10.2019 to 25.04.2020.



4. The petitioner was a Driver employed with the Tamil Nadu State Transport Corporation (Kumbakonam) Limited, Kumbakonam Region. On 26.10.2019, though it was a weekly off for the said driver, he had reported to duty and he started a trip from Narasingamangalam. A passenger was standing in the rear side foot board and when he tried to get down from the bus, he lost his balance and fell down and sustained grievous injuries.

5. A complaint was given against the petitioner and an F.I.R. was registered. The original driving licence was produced before the Inspector of Police/ second respondent herein and the same was not returned to the petitioner, instead the first respondent has issued a show cause notice dated 15.11.2019 under Section 19(1)(d) and (f) of the Motor vehicles Act, 1988 calling upon for explanation. The petitioner also has given his explanation seeking license and requesting to accept the explanation. However, the impugned order came to be passed on 29.11.2019 suspending the driving license of the petitioner for a period of five months and 30 days.

6. Though an appeal is preferred under Section 19 (3) of the Act, which says that any person aggrieved by the order under Sub Section (1) may, within 30 days of the receipt of the order, appeal to the prescribed authority, and any order passed by such Appellate Authority shall be final. It is stated that the District Collector is the Regional Transport Authority, who is the Appellate Authority as well. Though thirty days time is prescribed, much water has flown and the petitioner himself has moved this Court only after the prescribed period of thirty days is over. It appears that only because of the delay, he has filed the present writ petition under Article 226 of the Constitution of India.

7. In view of the above, the petitioner is directed to file an appeal before the appropriate authority under Section 19(3) of the Act within a period of two weeks from today. Accordingly, the writ petition stands disposed of. No costs. Consequently, connected W.M.P.(MD) No.509 of 2020 is closed.

Sd/-

Assistant Registrar

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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To:

1) The Regional Transport Officer,
Transport Department,
Government of Tamil Nadu,
Kumbakonam, Thanjavur District,
Tamil Nadu 611 003

2) The Inspector of Police,
Valangaiman Police Station,
Thiruvarur District.

+1 CC to M/s.D.SIVARAMAN, Advocate (SR-6879[F] dated 18/02/2020)
+1 CC to SPL.GP SR-7032,7040

Order made in
W.P(MD)No.701 of 2020
18.02.2020

MK (03.03.2020) 3P 5C