



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 11.03.2020

CORAM:

THE HONOURABLE **MR. JUSTICE C.V.KARTHIKEYAN**

W.P. (MD) No.4807 of 2020

and W.M.P. (MD) No.4185 of 2020

W.Aruldass

:Petitioner

Vs.

1.The Regional Transport Officer/Licensing Authority,
Transport Department, Government of Tamil Nadu,
Regional Transport Office, Srirangam,
Trichy District.

2.The Inspector of Police,
Vathalai Police Station,
Trichy District.

:Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India seeking a Writ of Certiorari, to call for the records pertaining to the impugned proceedings of the first respondent in show cause No.TN48/2020/7, dated 19.02.2020 and quash the same as illegal.

For Petitioner : Mr.A.Rahul

For Respondents : Mrs.J.Padmavathi Devi,
Special Government Pleader.

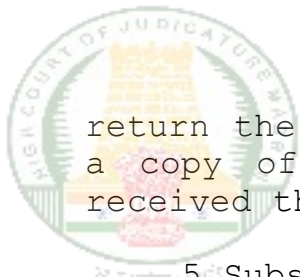
ORDER

Writ Petition filed in the nature of certiorari to quash the order of the first respondent/the Regional Transport Officer/Licensing Authority, Transport Department, Government of Tamil Nadu, Regional Transport Office, Srirangam, Trichy District, dated 19.02.2020.

2.The petitioner W.Aruldass, joined as a Driver cum Conductor at Trichy Branch State Express Transport Corporation (Tamil Nadu) Ltd., on 20.12.2007. On 15.01.2020, when he was going near Kiliyanallur, a pedestrian crossed the road. Though it is claimed that he applied the break, his vehicle dashed against the said pedestrian, who subsequently died.

3.A case in crime No.12 of 2020 had been registered against the petitioner by the Inspector of Police, Vathalai Police Station, for the offence under Sections 279 and 304(A) IPC. Investigation is pending. Original driving license of the petitioner was also seized on 16.01.2020 and handed over to the first respondent for taking necessary action.

4.The petitioner claims that he sent a representation on 28.01.2020 seeking return of driving license. He later filed a petition in W.P. (MD) No.2007 of 2020 and on 31.01.2020. The learned Single Judge had issued a direction to the first respondent to



return the original driving license to the petitioner on receipt of a copy of the order of this Court and the petitioner has also received the license.

5. Subsequently, the first respondent passed the present impugned order under Section 19(1) of the Motor Vehicle Act, 1988 suspending the driving license of the petitioner with effect from 15.01.2020 to 14.04.2020. The present writ petition has been filed questioning the said order.

6. The learned counsel for the petitioner claims that the order had been passed without issuing notice to the petitioner.

7. The respondents were requested to produce entire records. It is stated by the learned Special Government Pleader that the petitioner was aware of the order and that prior to the passing of the order, notice was issued to the petitioner.

8. The contention of the learned Special Government Pleader was disputed by the learned counsel for the petitioner.

9. Since there is contradiction in the submissions, it will only be proper to give a direction to the respondents. Therefore, the impugned order is set aside with a direction to the first respondent to follow due process and to give opportunity to the petitioner and thereafter, the first respondent may pass a fresh order under Section 19(1) of the Motor Vehicle Act, in accordance with law.

10. With the above observations, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (records)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

gns

To

1. The Regional Transport Officer/Licensing Authority,
Transport Department, Government of Tamil Nadu,
Regional Transport Office, Srirangam, Trichy District.

2. The Inspector of Police,
Vathalai Police Station, Trichy District.

+1 CC to M/s.SPL.GP (SR-11324[F] dated 12/03/2020)

+1 CC to M/s.A.RAHUL, Advocate (SR-11457[F] dated 12/03/2020)

W.P. (MD) No.4807 of 2020

11.03.2020