



WEB COPY

W.P.(MD)No.5424 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.03.2020

CORAM

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

W.P. (MD)No.5424 of 2020

and

WMP (MD).No.4718 of 2020

K.Chandrasekaran

... Petitioner

vs.

1.The Licensing Authority,
Regional Transport Officer,
Thanjavur.

2.The Inspector of Police,
Traffic Investigation Wing,
Thanjavur City.

3. The General Manager,
Tamil Nadu State Transport Corporation
(Kumbakonam) Ltd.,
Thanjavur District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order passed by the first respondent in Na.Ka.No.33289/A2/2019 dated .02.2020 (Signed on 14.02.2020) and quash the same and consequently direct the first respondent to return the petitioner's Driving Licence No.TN49 19990002505 to him.

For Petitioner : Mr.N.Sudhagar Nagaraj

For Respondents : Mr.A.Thiagarajan,
Government Advocate [for R1, R2]

O R D E R

The petitioner is a Driver who was originally joined on 25.02.2013, in Tamil Nadu State Transport Corporation (Kumbakonam) Ltd., and he is still continuing in service there. On 22.12.2019. When he was assigned to drive a bus bearing registration number TN 68 N 0542, between Thanjavur and Kallanai, very unfortunately, he had dashed the bus against a lady who, more unfortunately, died in the hospital. In respect of this incident, FIR in Crime No.203 of 2019 had been registered on 22.12.2019, under Sections 279, 337 IPC and subsequently altered to Sections 337 and 304(A) of IPC, by the Traffic Investigation Wing, Thanjavur City. The said Inspector of



Police in Traffic Investigation Wing, Thanjavur City is the 2nd respondent in the writ petition. They have also confiscated the licence and the impugned order has been passed by the 1st respondent namely, the Regional Transport Officer, who is the Licensing Authority, Thanjavur, confiscating the licence for the period 22.01.2020 - 21.06.2020. However, the suspension of the petitioner from service owing to the accident had been revoked by order dated 22.01.2020. It is stated as a fact in the affidavit filed in support of the writ petition. Thereafter, the petitioner had given a representation on 19.02.2020, seeking the driving licence which had been confiscated by the first respondent.

2. The respondents may examine the representation given by the petitioner and also examine the reasons for revoking the suspension order dated 22.01.2020 and further examine whether the 3rd respondent had now permitted the petitioner to undergo re-training. If that had been permitted, then naturally the driving licence is required to be handed over to the petitioner, since he will have to drive a bus during the re-training period. The first respondent may therefore, revisit the impugned order and further examine whether the suspension for six months is proportionate to the incident.

3. This Court is conscious of the fact that normally the driving licence is confiscated for the period of 3 months and parity has to be observed by all the Licensing Authorities across the State. In view of the above reasons, the first respondent, may issue notice to the petitioner for appearance and the petitioner may appear before the first respondent, revoking the suspension order and thereafter, the first respondent, if the circumstances warrant, revoke the period of confiscation of the driving licence to the period already suffered and pass necessary orders.

4. With the above observations, writ petition is disposed of. No Costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (AS)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

Pkn.



To

1.The Licensing Authority,
Regional Transport Officer,
Thanjavur.

2.The Inspector of Police,
Traffic Investigation Wing,
Thanjavur City.

3. The General Manager,
Tamil Nadu State Transport Corporation
(Kumbakonam) Ltd.,
Thanjavur District.

+1 CC to M/s.SPL.GP (SR-12688[F] dated 20/03/2020)

+1 CC to M/s.N.SUDHAGAR NAGARAJ, Advocate (SR-12496[F] dated 19/03/2020)

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