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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.10.2021

CORAM :

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Writ Petition No.22024 of 2021

C.M.Govindaraj

... Petitioner

-Vs-

The Regional Transport Officer
Sathuvachari, Vellore
Vellore District.

... Respondents

Prayer : Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the respondent to consider the petitioner's representation dated 17.09.2021 for the return of original driving licence.

For Petitioner : Mr.P.A.Sudesh Kumar

For Respondents : Mr.U.Baranidharan,
Government Advocate

ORDER

This writ petition has been filed for the issue of a writ of Mandamus directing the respondent to consider the petitioner's representation dated 17.09.2021 for the return of original driving licence.

2. The case of the petitioner is he is a driver in Tamil Nadu State Transport Corporation. On 20.08.2021, while he was on duty, an accident took place, as a result of which the victim died. Pursuant to the same, a complaint came to be given and an F.I.R., was lodged in Crime No.258 of 2021 for offences under Section 279 and 304A of I.P.C.

3. In the course of investigation, the police had seized



the driving license from the petitioner and it was handed over to the second respondent with a request for cancellation of the license. The petitioner made a representation dated 17.09.2021 requesting the respondent to return the original driving license. Since no action was taken by the respondent, the present writ petition has been filed.

4. Heard Mr.P.A.Sudesh Kumar, learned counsel for the petitioner and Mr.U.Baranidharan, learned Government Advocate appearing for the respondents.

5. The issue involved in the present writ petition is squarely covered by the earlier order in W.P.No.16527 of 2021 dated 09.08.2021. The relevant portions in the order is extracted hereunder.

" 4. In the considered view of this Court, the issue involved in the present writ petition is squarely covered by the earlier order passed by this Court in WP No.7315 of 2020 dated 01.06.2020. The relevant portions in the order are extracted hereunder :-

" 5.The learned counsel specifically drew the attention of this Court to the relevant portions of the judgment and the same is extracted hereunder:

" 8.While considering the objection with regard to the availability of alternative remedy of appeal is concerned, the Division Bench has rejected such contention. The very same decision was followed by the learned single Judge of this Court reported in 2013 Writ L.R.843 (S.Duraivelu vs. The Regional Transport Officer, West Tambaram, Chennai & 2 others) wherein the learned Judge has observed in Paragraph No.4 as follows:

"4.The licence of the petitioner was suspended solely



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on the ground that he was involved in a criminal case under Section 304-A IPC. The criminal case is still pending. The factum of involvement of the petitioner in an offence under Section 304-A of the Indian Penal Code would not give any jurisdiction to the respondent to suspend the license. Therefore, I am of the view that the respondent was not justified in suspending the license of the petitioner."

9. Accordingly, the writ petition is allowed and the impugned order is set aside. However, it shall not preclude the 2nd respondent from initiating any action, if any of the contingencies specified in Clauses (a) to (h) of Section 19(1) of the Act, arises later or if any of the Rules as prescribed by the Central Government in pursuance of Section 19(1)(f) are violated. No Costs. Consequently, connected miscellaneous petition is closed."

6. Per contra, Mr. E. Balamurgan, learned Special Government Pleader appearing on behalf of the respondents submitted that even if this Court is inclined to interfere with the impugned proceedings of the 2nd respondent, the same should not come in the way of initiating action against the petitioner under Section 19(1) of the Motor Vehicles Act and the concerned Rules.

7. This Court has carefully considered the submissions made on either side and also the materials available on record.



issue since this Court is interfering with the order passed by the 2nd respondent on the ground of jurisdiction."

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6. In view of the above discussion, there shall be a direction to the respondent to consider the representation of the petitioner dated 17.09.2021 and return the original driving license to the petitioner within a period of two weeks from the date of receipt of a copy of this order. It is made clear that the respondent will be at liberty to initiate action against the petitioner if any of the contingencies satisfies clause (a to h) of Section 19 of the Motor Vehicles Act or if it is found that there is a violation of any of the rules prescribed by the Central Government. This writ petition is allowed with the above directions. No costs.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

KST

To

The Regional Transport Officer
Sathuvachari, Vellore
Vellore District.

+1cc to Mr.PA.Sudesh Kumar, Advocate, S.R.No.53737

W.P.No.22024 of 2021

GSM(CO)
SB(27/10/2021)