



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.10.2021

CORAM:

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

W.P. (MD) No.14712 of 2015

and

W.M.P (MD) No.1 of 2015

WEB COPY

P.Sekar

... Petitioner

vs.

The Licensing Authority,
(The Regional Transport Officer),
The Regional Transport Office,
Srirangam, Trichy.

... Respondent

PRAYER: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records from the respondent relating to his impugned order 20.04.2015, passed in Se.Mu.Order No.5581/A3/2015, quash the same and consequently direct the respondent to return the driving licence of the petitioner to him without any remarks and award cost.

For Petitioner : Mr.S.Arunachalam

For Respondent : Mr.D.Ghandiraj

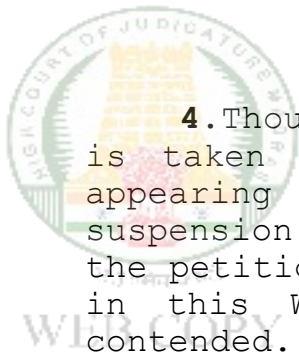
Government Advocate

ORDER

The prayer sought for herein is for the Writ of Certiorarified Mandamus, calling for the records from the respondent relating to his impugned order 20.04.2015, passed in Se.Mu.Order No.5581/A3/2015, quash the same and consequently direct the respondent to return the driving licence of the petitioner to him without any remarks and award cost.

2.The petitioner was the driver of the Government Transport Corporation and on the date of the accident ie., on 22.01.2015, he drove the vehicle with Reg.No.TN 01 N 0169, which met with fatal accident, pursuant to which, a case was registered by the concerned Police Station followed by the seizure of the driving licence of the petitioner and it was handed over to the respondent Regional Transport Officer, who is the licensing authority.

3.The respondent, having the receipt of the driving licence of the petitioner, had issued a notice to conduct an enquiry under Section 19 of the Motor Vehicles Act, 1988 and accordingly, an enquiry was conducted. After completing the enquiry, the respondent found that since the petitioner had driven the vehicle in a rash and negligent manner, the accident had occurred, based on which, the respondent inflicted the punishment against the petitioner suspending his licence for a period of six moths from 23.01.2015 to 22.07.2015 and accordingly, passed an order on 20.04.2015, which is under challenge in this Writ Petition.



4. Though this Writ Petition was filed in the year 2015, when it is taken up for final hearing, the learned Government Advocate appearing for the respondent would submit that, since the very suspension period itself was over as early as in the year 2015 and the petitioner has undergone the suspension period, nothing survives in this Writ Petition. Therefore, it can be disposed of, he contended.

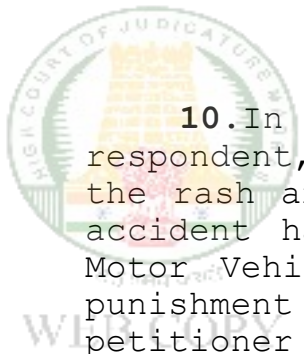
5. Further, the learned Counsel appearing for the petitioner, by relying upon the judgment of the Division Bench of this Court reported in **2010 Writ L.R. 100** in the case of **P.Sethuram vs. The Licensing Authority** and also a recent decision of this Court dated **07.09.2021** made in **W.P.(MD)No.16061 of 2021** in the case of **N.Anandhan vs. The Regional Transport Officer**, would submit that if at all any enquiry is conducted by the respondent under Section 19 of the Motor Vehicles Act, 1988, such enquiry shall be only to the limited extent to verify whether any violations have been noticed on the part of the driver, whose licence has been seized. During the plying of the vehicle concerned, if it is in violation of any of the provisions of the Motor Vehicles Act or Rules made thereunder, it is liable to be considered as a punishable act on the part of the driver concerned. Then, said punishment can be imposed and for other reasons, normally the guilt of the party/driver for attracting the substantiative provisions of the Indian Penal Code, that can be decided only by the competent Criminal Court.

6. Therefore, the learned counsel appearing for the petitioner would seek indulgence of this Court to set aside the impugned order stating that the reasons stated therein based on Section 19 enquiry cannot be conclusive reasons for arriving at conclusion that the petitioner's licence can be suspended for six months period.

7. I have considered the said rival submissions made by the learned counsel appearing for the petitioner.

8. With regard to the decisions referred to, by the learned counsel for the petitioner, no doubt, in respect of the Division Bench Judgment, during the pendency of Section 19 enquiry, by way of an interim measure, the licence can be returned back to the licence holder concerned.

9. However, if the enquiry is commenced and completed as contemplated under Section 19 of the Motor Vehicles Act, 1988, where the power is vested with the Regional Transport Officer concerned to verify whether any of the provisions of the Act as well as the Rules were violated by the licence holder, then the punishment of either suspending the licence or even to revoke the licence can very well be decided. In fact, this has been reiterated in my order dated 07.09.2021 relied upon by the learned counsel appearing for the petitioner.



10.In the present case, on perusal of the impugned order, the respondent, after completing the enquiry has found that because of the rash and negligent driving on the part of the petitioner, that accident had taken place. Therefore, as per section 19(1) of the Motor Vehicles Act, 1988, it is liable to be inflicted with the punishment of suspension of licence and accordingly, licence of the petitioner was suspended from 23.01.2015 to 22.07.2015 for six months period.

11.As rightly pointed out by the learned Government Advocate appearing for the respondent, six months suspension period was undergone by the petitioner and it was over as early as in the year 2015.

12.Even on merits also, nothing is wrong in stating the reason, which was found out by the respondent, only after completing the enquiry, under Section 19 of the Motor Vehicles Act, 1988 and therefore, ultimately, the punishment of suspending the licence of the petitioner was imposed against the petitioner. Therefore, this Court finds no infirmity in the said impugned order. Accordingly it is to be sustained.

13.In the result, this Writ Petition fails, hence, it is dismissed. However, there shall be no order as to costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (AD-II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

gbg/sm

To
The Licensing Authority,
(The Regional Transport Officer),
The Regional Transport Office,
Srirangam, Trichy.

+1 CC to M/s.SPL.GP (SR-31755[F] dated 08/10/2021)

Order made in

W.P. (MD) No.14712 of 2015

07.10.2021

PK(CO)
GC/JC(15.11.2021) 3P 3C