



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.01.2022

CORAM :

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P.No.1187 of 2022
and
W.M.P.No.1264 of 2022

M.Gopal

...Petitioner

Vs.

1. The Regional Transport Officer
And Licensing Authority,
Transport Department,
Coimbatore South,
Coimbatore - 614004.
2. The Regional Transport Officer
And Licensing Authority,
TN 47 Z, Kulithalai Unit Office,
Kulithalai,
Karur District.
3. The Inspector of Police,
Traffic Investigation Wing - East
Police Station,
Coimbatore City,
(Crime No. 512/2021)

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents to forthwith return petitioner's original driving license bearing DL No. TN 47 20060000890 to him within a time limit that may be fixed by this Court.

For Petitioner : Mr.S.Gunaseelan
For Mr.A.Rahul

For Respondents : Mrs.V.Yamuna Devi
Special Government Pleader

ORDER

The writ on hand has been instituted to direct the respondents to forthwith return petitioner's original driving license bearing DL No. TN 47 20060000890 to him within a time limit.



2. The petitioner was issued with a license to drive heavy passenger transport vehicle by the Licensing Authority, Regional Transport Office, Kulithalai. The license was issued to the petitioner on 09.03.2006. He was appointed as a Driver in the Tamil Nadu State Transport Corporation (TNSTC) (Kumbakonam) Ltd., with effect from 24.02.2014 and the petitioner is now serving at Manapparai Branch, Trichy Region of the said Transport Corporation. The petitioner states that he has not caused any fatal accident during his eight years of service in the Transport Corporation. He was entrusted with a bus bearing Registration No. TN 47 N 4155 belonging to TNSTC (Kumbakonam) Ltd., in the route between Coimbatore to Trichy on 09.12.2021. When the bus was moving out of Singanallur bus stand, Coimbatore, two persons came in a two wheeler and stopped the bus by giving a signal and an accident occurred and a Criminal case was registered in Crime No.512 of 2021 by Traffic Investigation Wing-East Police Station, Coimbatore City, for offences under Sections 279 and 304A of I.P.C.

3. The learned counsel for the petitioner mainly contended that under Section 19 of the Motor Vehicles Act, 1988 (hereinafter referred to as 'the Act'), an opportunity of hearing must be provided to the petitioner. Section 19 sub Section (1) of the Act reads as under:

"19. Power of licensing authority to disqualify from holding a driving licence or revoke such licence . -

(1) If a licensing authority is satisfied, after giving the holder of a driving licence an opportunity of being heard, that the -

(a) is a habitual criminal or a habitual drunkard ; or 34

(b) is a habitual addict to any narcotic drug or psychotropic substance within the meaning of the Narcotic Drugs and Psychotropic Substances Act, 1985 ; or

(c) is using or has used a motor vehicle in the commission of acognizable offence ; or

(d) has by his previous conduct as driver of a motor vehicle shown that his driving is likely to be attended with danger to the public ; or

(e) has obtained any driving licence or a licence to drive a particular class or description of motor vehicle by fraud or misrepresentation ; or

(f) has committed any such act which is likely to cause nuisance or danger to the public, as may be prescribed by the Central Government, having regard to the objects of this Act; or

(g) has failed to submit to, or has not passed, the tests referred to in the proviso to sub-section (3) of section 22 ; or

(h) being a person under the age of eighteen years who has been granted a learner's licence or a driving licence with the consent in writing of the



Sections 279 and 304A of I.P.C. As far as the suspension under Section 21 of the said Act is concerned, registration of a case would be sufficient and there is no enquiry needs to be conducted. As far as the revocation or disqualification is concerned, Section 19 of the said Act would be applicable. Therefore, in the case of the petitioner, the authorities are empowered to invoke Section 21 of the Act by suspending the driving license for a period of six months from the date on which the case has been registered.

8. This being the scope, the petitioner is at liberty to approach the competent authority for the purpose of revocation or suspension or otherwise, in the manner known to law and the authorities have to consider the case based on the facts and circumstances taking note of the fact regarding the registration of the Criminal Case against the petitioner. However, the relief as sought for in the present writ petition cannot be granted.

9. Accordingly, the Writ Petition stands disposed of. No costs. Consequently, the connected Writ Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CS-IX)

//True Copy//

Sub Assistant Registrar

Jeni/RR

To

1. The Regional Transport Officer
And Licensing Authority,
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Coimbatore South, Coimbatore - 614004.
2. The Regional Transport Officer
And Licensing Authority,
TN 47 Z, Kulithalai Unit Office,
Kulithalai, Karur District.
3. The Inspector of Police,
Traffic Investigation Wing - East
Police Station, Coimbatore City,
(Crime No. 512/2021)

+1cc to Government Pleader SR. No.5684

W.P.No.1187 of 2022

AK (CO)

PR (10/02/2022)