



W.P.No.16281 of 2022

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.06.2022

CORAM

THE HONOURABLE MR.JUSTICE **C.SARAVANAN**

W.P.No.16281 of 2022

M.Sivakumar

... Petitioner

Vs

1.The Inspector of Police,
J-2 Adayar TIW Besang Nagar Police Station,
Chennai - 90.

2.The Licensing Authority-cum-Regional
Transport Officer,
Chennai South East,
Chennai - 28.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the second respondent herein to return the original driving license (DL No.TN-28-19970001479) to the petitioner forthwith.

For Petitioner : Mr.K.Hariharan

For Respondents : Mr.M.Shahjahan
Special Government Pleader



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ORDER

Mr.M.Shahjahan, learned Special Government Pleader takes notice on behalf of the respondents.

2. After hearing the learned counsel for the petitioner and the learned Special Government Pleader for the respondents, this writ petition is being disposed in the light of the decision of the Hon'ble Division Bench of the Madurai Bench of this Court in **P.Sethuram Vs The Licensing Authority, The Regional Transport Officer, The Regional Transport Officer, Dindigul**, wherein, in Paragraphs 11 & 12, it has been held as under:-

"11. The respondent has, in the impugned order precluded the issue that the appellant is guilty of rash and negligent driving, even before the Criminal Court or the Motor Accident Claims Tribunal went into the issue. Even to invoke Section 19(1)(c), it is necessary to show that the Motor Vehicle is used in the commission of a cognizable offence. Without making a specific averment regarding the same, the order suspending the driving licence cannot be taken to be passed after due application of mind.

12. In view of the above, the Writ Appeal is allowed, the order of the learned Judge is set aside and the writ petition is allowed. The respondent is directed to return the driving licence of the appellant, within a week of receipt of a copy of this order. However, it shall not preclude the respondent from initiating any action, if any



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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."

This order has been followed by the Madurai Bench of this Court in W.P(MD).No.7189 of 2022 in the case of **A.Kumaran Vs The Regional Transport Officer and another**, by giving liberty to the respondents to initiate appropriate proceedings under Section 19 of the Motor Vehicles Act, 1988 .

3. Therefore, this Writ Petition is disposed of in terms of the orders cited above. The respondents shall initiate appropriate proceedings, within a period of four weeks from the date of receipt of a copy of this order, failing which, the license which has been seized shall be returned to the petitioner. No costs.

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Index : Yes/ No
Internet : Yes/No
Speaking/Non-Speaking Order
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C.SARAVANAN, J.

arb

To

- 1.The Inspector of Police,
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Chennai - 90.
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