

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.06.2022

CORAM

THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P.NO.16197 OF 2022

AND

W.M.P.NO.15564 OF 2022

P.Murugan

... Petitioner

Vs

1. The Inspector of Police,
Anamalai Police Station,
Coimbatore District.
2. The Licensing Authority-cum-
Regional Transport Officer,
Pollachi, Coimbatore District.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records of the second respondent made in Se.Mu.No.Order No.13856/A3/2022 dated 12.05.2022 suspending the driving license of the petitioner for a period of six months from 22.04.2022 to 21.10.2022 and to quash the same. Consequently, direct the second respondent to return the original driving license (DL No.TN-69-19880000733) to the petitioner forthwith.

For Petitioner : Mr.K.Hariharan

For Respondents : Mr.M.Shahjahan
Special Government Pleader

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 view of the fact that the issue is now squarely covered by 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 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 view has been consistently followed by this Court and there are no contrary decisions of any Division Bench or that of the Hon'ble Supreme Court, which has been pronounced so far.

3. Considering the above, this Writ Petition is disposed of in the light of the decision of the Hon'ble Division Bench of this Court in P.Sethuram's case cited supra.

4. The Hon'ble Division Bench of this Court held that while the respondents were directed to return the driving license to the appellants therein, did not preclude the respondents from initiating action if any of the contingencies specified in clause a to h of Section 19(1) of the Motor Vehicles Act, 1988 is attracted.

5. Therefore, this Writ Petition stands allowed with liberty to the respondents to initiate appropriate proceedings against

the petitioner under Section 19(1) of the Motor Vehicles Act, 1988. No costs. Consequently, connected Writ Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CS-IX)

//True Copy//

Sub Assistant Registrar

arb

To

1. The Inspector of Police,
Anamalai Police Station,
Coimbatore District.
2. The Licensing Authority-cum-
Regional Transport Officer,
Pollachi, Coimbatore District.

+1cc to Mr.K.Hariharan, Advocate, S.R.No.41689

+1cc to the Government Pleader, S.R.No.41995

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PL(CO)
RLP(19/07/2022)