



WP.No.34770 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.12.2022

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

WP.No.34770 of 2022 &

WMP.Nos.34189 & 34190 of 2022

V.Sasikumar

... Petitioner

Vs

1. The Transport Commissioner,
Chepauk, Chennai – 600 005.
2. The Regional Transport Officer,
Regional Transport Office,
Salem -West, Salem District.
3. The Regional Transport Officer,
O/o. The Regional Transport Office,
Omalur, Salem District.
4. The Inspector of Police,
Omalur Police Station,
Salem District.

... Respondents

Prayer:- Writ Petition filed under the Article 226 of Constitution of India,
to issue a Writ of Certiorarified Mandamus to call for the records relevant



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to the Order in Show Case No.TN30/2022/645 dated 22.09.2022 passed by the second respondent and quash the same as illegal, improper, unreasonable and against the natural justice and thereby direct the respondents to return the petitioner's driving license in D.L.No.TN 54 20110002275 to him.

For Petitioner : Mr.B.Gopalakrishnan

For Respondents : Mrs.R.Anitha
Special Government Pleader

ORDER

This Writ Petition is filed to quash the Order in Show Case No.TN30/2022/645 dated 22.09.2022 passed by the second respondent as illegal, improper, unreasonable and against natural justice and thereby direct the respondents to return the petitioner's driving license in D.L.No.TN 54 20110002275 to him.

2. The case of the petitioner is that he is a Driver, working in the Metropolitan Transport Corporation, Chennai. On 06.07.2022, while he was driving the bus, bearing Registration No.TN-52-T 9090, involved in an accident with a two wheeler bearing vehicle No.TN 74 C 9128 and he



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sustained injuries and taken to a nearby hospital and thereafter he died in the hospital. A complaint was given and the same was registered in Crime No.381 of 2022, for the offences punishable under Sections 279 and 337 of the Indian Penal Code. During the course of investigation, the driving license of the petitioner was seized and it was handed over to the third respondent. Thereafter, the impugned Order has been passed by suspending the license of the petitioner for a period of six months from 16.09.2022 to 15.03.2023. Hence, present writ petition has been filed for the aforesaid relief.

3. Heard Mr.B.Gopalakrishnan, learned counsel appearing for the petitioner and Mrs.R.Anitha, learned Special Government Pleader appearing for the respondents.

4. The issue involved in this writ petition is squarely covered by the judgment of the Division Bench in ***P.SETHURAMAN Vs. THE LICENSING AUTHORITY, THE REGIONAL TRANSPORT OFFICER, DINDIGUL***, reported in 2010 Writ Law Reporter 100. The Division Bench judgment has been subsequently followed by this Court in



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various orders. In W.P.No.18144 of 2021 (***K.ARUMUGAM Vs. THE LICENSING AUTHORITY/REGIONAL TRANSPORT AUTHORITY, OFFICE OF THE REGIONAL TRANSPORT AUTHORITY, TAMBARAM, CHENNAI***) dated 06.08.2021, this Court had relied upon the judgment of the Division Bench and held that mere Registration of First Information Report, will not be a ground to impound the original license or to make any endorsement therein or suspend the same, if it does not satisfy the requirements of Section 19 (1) of the Motor Vehicles Act, 1988. The said judgment will squarely apply to the facts of the present case.

5. In view of the above, there shall be a direction to the second respondent to return the driving license of the petitioner forthwith. It will be left open to the second respondent to await the final orders in the criminal proceedings and if the criteria as provided under Section 19 (1) of the Motor Vehicles Act, 1988 is satisfied, second respondent is at liberty to initiate proceedings against the petitioner for suspension/ revocation of the driving license.



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6. With the above directions, this writ petition is disposed of.

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Consequently, connection miscellaneous petitions are closed. No costs.

23.12.2022

vrc

To

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O/o. The Regional Transport Office,
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N.SATHISH KUMAR, J.

VTC

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