



WEB COPY



WP.No.34816 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.12.2022

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

WP.No.34816 of 2022 & WMP.No.34245 of 2022

K.Sivapragasam

... Petitioner

Vs

The Regional Transport Officer,
The Regional Transport Office,
Tambaram – 600 045.

... Respondent

Prayer:- Writ Petition filed under the Article 226 of Constitution of India, to issue a Writ of Certiorari to call for the records of the respondent in his proceedings regarding suspension of the petitioner's Driving License No.TN 01 19902010427 in Show Cause No.TN11 /2022 / 729 dated 26.11.2022 and quash the same.

For Petitioner : Mr.Ravi

For Respondents : Mrs.R.Anitha
Special Government Pleader



WP.No.34816 of 2022

ORDER

WEB COPY

This Writ Petition is filed to quash the proceedings regarding suspension of the petitioner's Driving License No.TN 01 19902010427 in Show Cause No.TN11 /2022 / 729 dated 26.11.2022.

2. The case of the petitioner is that he is a Driver and on 08.09.2022, while he was driving a customer vehicle IZUZU bearing Registration No.TN-37 959 and at that time a two wheeler, driven in a rash manner with great speed bounced on the front left door of the petitioner's car due to which the passenger who was sitting in the car fell down and the driver of the two wheeler sustained injuries and was taken to a nearby hospital and thereafter he died in the hospital. A complaint was given and the same was registered in the Chitlapakkam Police Station and during the course of investigation, the driving license of the petitioner was seized and it was handed over to the respondent. Thereafter, the impugned Order has been passed by suspending the license of the petitioner for a period of five months from 08.09.2022 to 07.03.2023. Hence, present writ petition has been filed for the aforesaid relief.



WP.No.34816 of 2022

WEB COPY

3. Heard Mr.R.Ravi 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 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.



WP.No.34816 of 2022

WEB COPY

5. In view of the above, there shall be a direction to the respondent to return the driving license of the petitioner forthwith. It will be left open to the 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, respondent is at liberty to initiate proceedings against the petitioner for suspension/ revocation of the driving license.

6. With the above directions, this writ petition is disposed of. Consequently, connection miscellaneous petition is closed. No costs.

23.12.2022

vrc

To

The Regional Transport Officer,
The Regional Transport Office,
Tambaram – 600 045.



WEB COPY



WP.No.34816 of 2022

N.SATHISH KUMAR, J.

VTC

WP.No.34816 of 2022

23.12.2022