



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.04.2022

CORAM

THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P. (MD) .No.5893 of 2022

M.Dharmaraj

... Petitioner

Vs.

1.The Regional Transport Officer,
The Regional Transport Office,
Srirangam,
Trichy.

2.The Inspector of Police,
Traffic Investigation Wing-North Police Station,
Trichy-City,
Trichy.

...Respondents

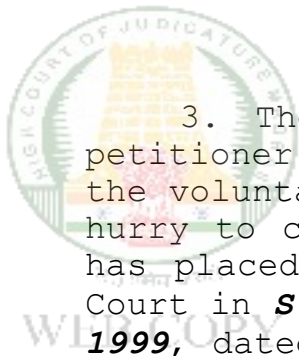
Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents to return the driving license of the petitioner bearing D.L.No.TN 45Y-20070000031 forthwith.

For Petitioner	:	Mr.S.Arunachalam
For Respondents	:	Mr.K.S.Selva Ganesan, Additional Government Pleader.

ORDER

The petitioner has filed this writ petition for a Mandamus, directing the respondents to return the driving license of the petitioner bearing D.L.No.TN 45Y-20070000031 forthwith.

2. The petitioner had caused an accident on 21.03.2022 while driving State Transport Corporation Bus bearing vehicle Registration No.TN45N3009, resulting in fatal death. A FIR came to be registered against the petitioner in Crime No.40 of 2022 by the Traffic Investigation Wing-North Police Station, Trichy. On the following date, the petitioner's driving license was also impounded by the respondent and thereafter, a show cause notice has been issued on 23.03.2022. Meanwhile, the petitioner had sent a representation, unaware of the fact that show cause notice had been issued on 23.03.2022.



3. The learned Counsel for the petitioner submits that the petitioner was not at fault and that the accident was on account of the voluntary act of the deceased who attempt to cross the road in a hurry to catch another bus. The learned Counsel for the petitioner has placed reliance of the decision of the Division Bench of this Court in ***S.Murugesan Vs. The Licensing Authority in W.A(MD)No.176 of 1999***, dated 22.06.2009. A specific reference was made to para 9 and 10 of the Division Bench of this Court has been held as under:

"9. A bare reading of Section 19(1) shows that the Licensing Authority has the power to revoke any licence or disqualify a person for a specified period from holding or obtaining a driving licence, if any of the contingencies prescribed in Clauses (a) to (h) of Sub Section (1) of Section 19 arises. Moreover, the power under Section 19(1) can be invoked only after giving an opportunity of being heard to the holder of the licence and for reasons to be recorded in writing.

10. But in the case on hand, the licence of the appellant has been impounded or retained by the respondent, immediately after the accident on 18.03.2009. Admittedly, the show cause notice was issued only on 28.04.2009. Therefore, it is clear that the driving licence was retained, both without an order in writing and without affording an opportunity of being heard to the appellant. This is a clear violation of the provisions of the Statute and hence the order of the learned Judge, dismissing the writ petition deserves to be set aside".

4. Opposing the prayer, the learned Additional Government Pleader for the respondents submits that the show cause notice has been issued on 23.03.2022 and submits that appropriate orders will be passed on the same.

5. I have considered the arguments advanced by the learned Counsel for the petitioner and the respondent. In the present case, show cause notice has been issued immediately on 23.03.2022, whereas in Murugesan's case the show cause notice was issued after a lapse of above forty days.

6. Considering the above fact, the show cause notice which has been issued to the petitioner, the petitioner is directed to submit a response to the respondent and participate in the aforesaid proceedings. Respondents are directed to pass appropriate orders on merits within a period of 15 (Fifteen) days from the date of receipt of a copy of this order. The respondents shall also to consider the decision of the Division Bench of this Court in ***S.Murugesan Vs. The***



Licensing Authority cited supra and the decision of the Division Bench of this Court in Sethuraman's case.

7. The writ petition stands disposed of in terms of the above observations. No costs.

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Sd/-

Assistant Registrar (CO)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

btr

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1.The Regional Transport Officer,
The Regional Transport Office,
Srirangam,
Trichy.

2.The Inspector of Police,
Traffic Investigation Wing-North Police Station,
Trichy-City,
Trichy.

+1 CC to M/s.S. ARUNACHALAM, Advocate (SR-16485[F] dated 05/04/2022)

+1 CC to M/s.SPL.GP (SR-16678[F] dated 05/04/2022)

W.P. (MD) .No.5893 of 2022
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SRR(CO)

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