



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.06.2022

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

W.P(MD).No.12045 of 2022

and

W.M.P(MD).No.8566 of 2022

A.Perumal

... Petitioner

Vs.

1.The Licensing Authority,
Regional Transport Officer,
Madurai North.

2.The Inspector of Police,
Melur Police Station,
Madurai District.

3.The General Manager,
TNSTC,
Karaikudi Region.

... 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 1 and 2 to return the petitioner original licence bearing No.TN6319970000908 without any condition and without any endorsement within time frame fixed by this Court.

For Petitioner

: Mr.R.M.Arun Swaminathan

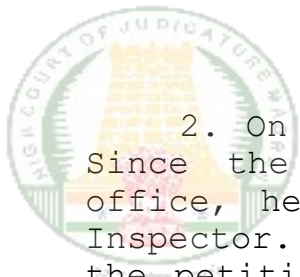
For Respondent

: Mr.P.Subbaraj

Special Government Pleader

ORDER

The petitioner was employed in the State Transport Corporation (Kumbakonam Limited). While the petitioner was on duty, Transport Corporation bus bearing Registration No.TN-63-N-1855 dashed against the motor bike bearing Registration No.TN-59-CX-1618 and caused an accident, thereby, riders of the motor bike, namely, Rajkumar and Mahesh died. Hence, a case was registered against the petitioner in Crime No.97 of 2022 for the offence under Section 279 and 304 (A) IPC. The petitioner was arrested in the above case and his licence was detained by the second respondent on 01.03.2022. Thereafter, show cause notice was issued to the petitioner on 23.04.2022. The petitioner had also given an explanation to the same on 25.04.2022.



2. On 25.04.2022, he had appeared before the first respondent. Since the Regional Transport Officer was not available in the office, he was directed to give explanation to the Motor Vehicle Inspector. Thereafter, no orders have been passed. In the meanwhile, the petitioner's suspension of service was revoked from 01.04.2022 by his employer on 29.03.2022. On the same day, the petitioner was also directed to attend the training program, which is a pre-condition for his further employment with the Transport Corporation. For the training program, the petitioner has to produce the original driving licence. Since the driving licence was detained by the Regional Transport Officer, Madurai North, the petitioner is unable to attend the training program and consequently, he has not been provided employment, due to which, the petitioner is deprived of his income and livelihood.

3. The learned counsel for the petitioner submitted that the petitioner has three school going children and he is the only earning member in his family. His children school fees and other expenses are to be paid and due to unemployment, he is unable to pay the fees and his children's school admission is getting delayed. The three months period of detention of his licence is almost completed. He further relied on the decision of the this Court in the case of **C.Kanagaraj Vs The Licensing Authority** in W.P.(MD). No.9055 of 2022, wherein it is held that without proper enquiry, detention of licence is not proper.

4. Considering the same, we calculated the period from 01.03.2022 when the second respondent detained the licence and handed over the same to the first respondent. The show cause notice, dated 23.04.2022 issued by the first respondent cannot be taken as a date for detention of his licence.

5. The learned Special Government Pleader for the respondents submits that the show cause notice was issued to the petitioner on 23.04.2022. The petitioner was directed to submit his reply within a period of ten days. The petitioner submitted his reply on 25.04.2022. The first respondent is yet to consider and pass orders on the reply given by the petitioner. He fairly submits that three months period of detention of the petitioner's licence is completed.

6. Considering the said submission, it is seen that the petitioner's suspension period is for three months (01.03.2022 to 01.06.2022). Now, the three months period had already lapsed. Further, the petitioner's suspension is also revoked and he is directed to undergo the training program, for which, production of original licence is imperative. The order pursuant to the show cause notice would be only a virtual.

7. In view of the same, the respondents 1 and 2 are directed to hand over the original driving licence to the petitioner within a



period of one week from the date of receipt of copy of this order. The writ petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS-I)

WEB COPY

// True Copy //

/06/2022

Sub Assistant Registrar(CS)

sn

To

1.The Licensing Authority,
Regional Transport Officer,
Madurai North.

2.The Inspector of Police,
Melur Police Station,
Madurai District.

3.The General Manager,
TNSTC,
Karaikudi Region.

+1 CC to M/s.RM. ARUN SWAMINATHAN, Advocate (SR-26294[F] dated 17/06/2022)

+1 CC to M/s.SPL.GP (SR-26528[F] dated 17/06/2022)

W.P(MD) .No.12045 of 2022
16.06.2022

NSN(CO)

KB(23.06.2022) 3P 6C