



W.P.(MD)No.15580 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 03.08.2022

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THE HONOURABLE MR. JUSTICE M.NIRMAL KUMAR

Writ Petition (MD) No.15580 of 2022

and

W.M.P.(MD)Nos.11217 and 11218 of 2022

A.Veeriyaperumal

.. Petitioner

Versus

1.The Deputy Transport Commissioner,
(Licensing Authority),
Regional Transport Office (West),
Trichy.

2.The Inspector of Police,
Vaiyampatti Police Station,
Vaiyampatti,
Trichy District.

.. Respondents

Prayer :- Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus, to call for the records from the first respondent relating to his impugned order dated 02.06.2022, passed in Show Cause No.TN45/2022/172, quash the same and consequently, direct the first respondent to return the driving licence of the petitioner without any remarks and award cost.

For Petitioner : Mr.S.Arunachalam

For Respondents : Mr.P.Subbaraj
Special Government Pleader



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ORDER

WEB COPY The petitioner has filed this Writ Petition challenging the show cause notice of the first respondent, bearing Show Cause No.TN45/2022/172, suspending the petitioner's driving licence, bearing No.TN47 19840001037, for the period from 22.02.2022 to 21.08.2022.

2.The contention of the petitioner is that he was issued with a driving licence on 18.08.1984. The petitioner was employed as Driver in Trichy Region of the Tamil Nadu State Transport Corporation (Trichy) Limited from 14.04.1992. Now, he has put in more than 30 years of service and he has not involved in any accident. On 22.02.2022 the petitioner was allotted to work in a bus bearing Registration No.TN-45-N-2854, running between Manapparai and Kujiliyamparai, *via* Anaiyur, Veerappur, Mattaparapatti, Reddiyapatti and Tharagampatti. At about 03.20 p.m. when the bus reached to Mattaparapatti, a two wheeler, TVS-50, was coming from the opposite direction. Though there was sufficient space for both the bus and the two wheeler, the rider of the two wheeler suddenly turned his vehicle to the right side and dashed the front right side corner of the bus, fell down on the road and got injured. The rider of the two wheeler, who was more than 70 years, was carrying a big luggage in between handle bar and the seat. The handle bar of the vehicle got stuck with the luggage, as a result of which, the rider of the two wheeler lost his control



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over his vehicle thereby, the accident had taken place. Thereafter, the second respondent registered a case in Crime No.71 of 2022 for the offences under Sections 279 and 304(A) of I.P.C. The bus was produced by the second respondent for inspection before the Motor Vehicle Inspector on 25.02.2022. At that time, the petitioner's driving licence was detained by the second respondent and handed over to the Motor Vehicle Inspector, who in turn, handed over the same to the Regional Transport Officer, Manaparai. Immediately, on 28.02.2022, the petitioner sent a representation, which was not considered.

3.The petitioner seeking return of his driving licence, had filed W.P. (MD)No.4275 of 2022. In the meanwhile, a show cause notice, dated 16.03.2022 was issued to the petitioner. This Court, vide order 29.03.2022, dismissed the said Writ Petition, directing the petitioner to give reply to the said show cause notice within a period of 15 days from the date of receipt of a copy of the said order and directed the respondents to pass appropriate orders in accordance with law within a period of 15 days thereafter, keeping in mind the decision of a Division Bench of this Court in **P.Sethuram vs. The Licensing Authority, The Regional Transport Officer, Dindigul [2010 (2) MLJ 778]**. Against the said order, the petitioner filed W.A.(MD)No.387 of 2022, which is pending. In the meanwhile, the first respondent without giving



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any opportunity to the petitioner, in a hasty manner, violating the principles of natural justice, passed the impugned order, suspending the petitioner's driving licence from 22.02.2022 to 21.08.2022. Hence, the petitioner has approached this Court by way of filing the present Writ Petition.

4.The learned counsel for the petitioner submits that the petitioner is the only breadwinner of the family. Due to detention of his driving licence, the petitioner has no means to eke out his livelihood. The petitioner's family members are depending upon his income and the petitioner has got impending family commitments.

5.Mr.P.Subbaraj, learned Special Government Pleader appearing for the respondents submits that earlier, the petitioner had filed W.P.(MD)No.4275 of 2022, seeking return of his driving licence, for the reason that he was not issued with any show cause notice. In the meanwhile, a show cause notice, dated 16.03.2022, was issued to the petitioner. This Court, vide order dated 29.03.2022, in W.P.(MD)No.4275 of 2022, had directed the petitioner to give a reply to the show cause notice within 15 days from the date of receipt of a copy of the said order and directed the respondents to pass appropriate orders in accordance with law within a period of 15 days thereafter, keeping in mind the decision of a Division Bench of this Court in **P.Sethuram vs. The**



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Licensing Authority, The Regional Transport Officer, Dindigul [2010 (2)

MLJ 778]. Against which, the petitioner filed W.A.(MD)No.387 of 2022, which is pending. The first respondent finding that the petitioner had not given any explanation and foregone his right, passed an order on 02.06.2022, suspending his driving licence from 22.02.2022 to 21.08.2022. The said suspension period gets over by 21.08.2022, just only two weeks for the suspension period to get expired and at this stage, the petitioner has filed the present Writ Petition. Hence, he prayed for dismissal of the Writ Petition.

6.The learned Special Government Pleader fairly submits that the petitioner not involved in any other criminal case.

7.Considering the above rival submissions and on perusal of the materials, it is seen that the petitioner has not involved in any other criminal case and further, the petitioner is the only breadwinner of the family and due to the detention of his driving licence, he could not join his duty. Now, almost 5 months and 12 days over in the suspension period. In view of the same, this Court reduces the period of suspension of the petitioner's driving licence from 22.02.2022 till today (03.08.2022) instead of 21.08.2022. Therefore, the first respondent is directed to handover the petitioner's driving licence forthwith.

8.With the above observation, this Writ Petition is disposed of. No



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costs. Consequently, connected Miscellaneous Petitions are closed.

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Index : Yes/No

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Note:- Issue order copy on 04.08.2022

To

1.The Deputy Transport Commissioner,
(Licensing Authority),
Regional Transport Office (West),
Trichy.

2.The Inspector of Police,
Vaiyampatti Police Station,
Vaiyampatti,
Trichy District.



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M.NIRMAL KUMAR, J.

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Order made in
W.P.(MD)No.15580 of 2022

03.08.2022