



W.P.(MD)No.16969 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 02.09.2022

CORAM

THE HONOURABLE MR. JUSTICE M.NIRMAL KUMAR

Writ Petition (MD) No.16969 of 2022

K.Ravi

.. Petitioner

Versus

1.The Regional Transport Officer,
Regional Transport Office,
No.126, Old Dindigul Road,
Near Collectorate,
Karur – 639 007.

2.The Regional Transport Officer,
Regional Transport Unit Office,
Manmangalam,
Kannambai Nagar, 1st Cross,
Salem Bypass Road,
Karur District – 639 006.

3.The Inspector of Police,
Town Police Station,
Karur, Karur District.

.. Respondents

Prayer :- Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the first respondent to return the petitioner's original driving licence bearing No.TN28 19880002055 to him forthwith.

For Petitioner : Mr.S.Prasanth

For Respondents : Mr.C.Satheesh
Government Advocate



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ORDER

WEB COPY The petitioner filed this Writ Petition seeking a direction to the first respondent to return his original driving licence bearing No.TN28 19880002055 to him forthwith.

2.The petitioner is employed as driver in private public transport bus *i.e.*, K.T. bus at Karur. He is a driver for the past 18 years with unblemished records. On 16.07.2022, the petitioner while driving the bus bearing Registration No.TN-47-AA-3435, plying between Palani and Karur, when the bus was proceeding from Palani bus stand at 11.10 am., near Veppampalayam, at 02.15 pm., a two wheeler bearing Registration No.TN-48-V-6880 came in the opposite direction, overtaking a lorry, dashed against the bus head on. Due to the accident, the rider of the two wheeler died on the spot. The third respondent registered a case in Crime No.501 of 2022 on 16.07.2022 for the offences under Sections 279 and 304(A) I.P.C.

3.The petitioner had driven the bus strictly following the rules and regulations. Only due to negligence on the part of the rider of the two wheeler, who attempted to overtake the lorry in a rash and negligent manner, the accident occurred. In fact, during the accident, the petitioner applied brake and stopped the bus immediately. The petitioner was asked to produce the



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vehicle with the driving licence for inspection by the second respondent. At that time, the petitioner's driving licence was detained and thereafter, petitioner sent his representation dated 19.07.2022, seeking return of his original driving licence, which was not considered. Hence, the petitioner filed the present Writ Petition.

4. According to the petitioner, without following the procedure as contemplated under Section 19(1)(c) of the Motor Vehicles Act, 1988, the transport authorities detained the driving licence of the petitioner. Due to detention and withholding of his driving licence, the petitioner is unable to continue his employment, due to which, his livelihood is affected. The petitioner is the only breadwinner to his family and his entire family depended on his income.

5. The petitioner submits that in the case of **P.Sethuram vs. The Licensing Authority, Regional Transport Office, Dindigul [2010 WLR 100]** and in **M.Panneerselvam vs. The Regional Transport Officer and Licensing Authority and others [W.P.(MD)No.12788 of 2022, dated 22.06.2022]**, this Court finding that the procedure contemplated under the Motor Vehicles Act, 1988, was not followed, issued certain directions.



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6.Mr.C.Satheesh, learned Government Advocate appearing for the respondents submits that when the petitioner was driving the bus bearing Registration No.TN-47-AA-3435, proceeding from Palani to Karur, near Veppampalayam, the two wheeler was coming on the opposite direction. Due to rash and negligent driving of the petitioner, the bus dashed against the two wheeler bearing Registration No.TN-48-V-6880. Due to which, the rider of the two wheeler died on the spot. The petitioner was served with a show cause notice on 18.07.2022. Thereafter, the petitioner sent his representation on 02.08.2022. After enquiry, order passed suspending the petitioner's driving licence for a period of three months, *i.e.*, from 16.07.2022 to 15.10.2022. Since the driving licence of the petitioner is suspended, the petitioner to file an appeal, if he so desires, before the appellate authority.

7.In view of the above submission that the petitioner's driving licence suspended by the first respondent/Regional Transport Officer, vide proceedings dated 04.08.2022, for a period of three months *i.e.*, from 16.07.2022 to 15.10.2022, the petitioner to file an appeal before the appellate authority, if he so desires, in the manner known to law.

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



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M.NIRMAL KUMAR, J.

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Order made in
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