



W.P.(MD)No.17015 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 02.09.2022

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THE HONOURABLE MR. JUSTICE M.NIRMAL KUMAR

Writ Petition (MD) No.17015 of 2022

and

W.M.P.(MD)No.12380 of 2022

M.Nallasivam

.. Petitioner

Versus

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

2.The Inspector of Police,
Traffic Investigation Wing – II,
Tallakulam,
Madurai City.
(Crime No.177/2022)

.. Respondents

Prayer :- Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the respondents to forthwith return the petitioner's original driving licence bearing DL No.TN28 19960003226 to him, within a time limit that may be fixed by this Court.

For Petitioner : Mr.A.Rahul

For Respondents : Mr.C.Satheesh
Government Advocate

ORDER

The petitioner has filed this Writ Petition seeking a direction to the first respondent to return his original driving licence bearing No.TN28 19960003226 to him forthwith.



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2.The petitioner is employed as driver in the Tamil Nadu State Transport Corporation (Coimbatore) Limited. He joined the Transport Corporation in the year 2012, got confirmed in the year 2014 and put 10 years of unblemished service. He is presently serving at Karur. On 15.07.2022, the petitioner was assigned with duty for the bus bearing Registration No.TN-33-N-3422, which was plying between Erode and Madurai. The petitioner reached Madurai at 03.00 pm. on 15.07.2022. On his return duty, from Madurai to Erode, when the bus was proceeding in Madurai-Dindugal main road from south to north direction, near Kannan Departmental Store, a rider of the two wheeler bearing Registration No.TN-58-AF-8312 attempted to cut across the road from west to east and dashed against the bus. Due to which, the victim sustained injuries and, was taken to the Hospital in an unconscious stage, later, died. Hence, a case in Crime No.177 of 2022 was registered on 15.07.2022 for the offences under Sections 279 and 337 I.P.C. and later, it was altered to Section 304-A I.P.C. The bus was produced before the Motor Vehicle Inspector for inspection, at that time, the petitioner's driving licence was verified and detained by the Motor Vehicle Inspector on 19.07.2022. The petitioner sent a representation on 21.07.2022, seeking return of driving licence, but the same was not considered. Due to which, the petitioner is unable to continue his employment, make any earnings and deprived of his



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livelihood. Section 19(1) of the Motor Vehicles Act, 1988, not followed.

Hence, the petitioner filed this Writ Petition.

3.The learned counsel for the petitioner submits that the petitioner is the sole bread-winner for his family, he has got two school going children and his entire family depends on his income. Further, after the accident, due to suspension of his driving licence, the petitioner has been denied his employment and deprived of his salary. The learned counsel further submits that six months suspension period is disproportionate and the petitioner has got a fair chance of success in the trial.

4.In support of his contention, the learned counsel for the petitioner relied upon the decision of a Division Bench of this Court in **P.Sethuram vs. The Licensing Authority** reported in **2010 (2) MLJ 778**, wherein certain guidelines have been issued before suspending the driving licence. Further, this Court in **B.Alagumani vs. The Regional Transport Officer** [W.P. (MD)No.12345 of 2022, vide order dated 17.06.2022], followed the same. Hence, the learned counsel seeks direction to the respondents to return the petitioner's original driving licence, which has been unauthorizedly detained.

5.Mr.C.Satheesh, learned Government Advocate appearing for the respondents submits that the petitioner is the driver of the State Transport Corporation bus, bearing Registration No.TN-33-N-3422. When the bus was



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proceeding from south to north, near Kannan Departmental Store, Madurai – Dindigul Main Road, Madurai, one Saravanan coming from west to east in his two wheeler, bearing Registration No.TN-58-AF-8312, crossed the road without caution and dashed against the bus and therefore, he fell down and become unconscious, rider was rushed to the Hospital. After sometime, he died, hence, a case has been registered against the petitioner. The bus was directed to be produced for inspection, at that time, the petitioner's driving licence was detained. Thereafter, following Section 19(1)(c) of the Motor Vehicles Act, 1988, notice issued to the petitioner on 19.07.2022. The petitioner, on receipt of the notice, gave explanation on 04.08.2022. Considering the explanation and other records and after enquiry, order passed by the first respondent in Se.Mu.Aa.No.39056/A4/2022, dated 22.08.2022, suspending the petitioner's driving licence for a period of six months from 15.07.2022 to 14.01.2023 and therefore, the relief sought in the present Writ Petition has become infructuous. Since the petitioner's licence has been suspended by the first respondent, the petitioner to approach the appropriate forum seeking appropriate relief.

6.Considering the submissions and on perusal of the materials, it is seen that the petitioner, Transport Corporation bus driver, for the past 10 years, he has got no other case, other than the present case. It is seen that the petitioner was driving the bus from south to north and the rider of the two wheeler cut



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across the road from west to east. While cutting across the road, the accident occurred. The petitioner has not been convicted in any road accident case. In such circumstances, this Court finds that suspension of driving licence for a period of six months excessive, disproportionate. In view of the same, this Court reduces the suspension period from six months to two months *i.e.*, from 15.07.2022 to 14.09.2022. Hence, the first respondent is directed to handover the driving licence to the petitioner immediately after 14.09.2022. The State Transport Corporation, thereafter, to provide employment following the procedure and rules of the Transport Corporation.

7.This Writ Petition stands disposed of accordingly. No costs. Consequently, connected Miscellaneous Petition is closed.

02.09.2022

Index : Yes/No
smn2

M.NIRMAL KUMAR, J.

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To

1.The Regional Transport Officer and
Licensing Authority,
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Transport Department, Madurai.

2.The Inspector of Police,
Traffic Investigation Wing – II,



Tallakulam,
Madurai City.

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Order made in
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