



W.P(MD).No.18321 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.08.2022

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THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

W.P(MD).No.18321 of 2022

and

W.M.P(MD).No.13343 of 2022

X.Jesus Britto

... Petitioner

Vs.

1.The Regional Transport Officer,
The Regional Transport Office,
Dindigul District.

2.The Inspector of Police,
Sanarpatti Police Station,
Sanarpatti,
Dindigul District.

...Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the first respondent to return the petitioner's original driving licence within a time limit that may be fixed by this Court.

For Petitioner : Mr.G.M.Xavier
For Respondents : Mr.P.Subbaraj
Special Government Pleader

ORDER

The petitioner is employed as a Driver in State Transport Corporation, Dindigul. On 27.07.2022, he was assigned with the duty of driving transport



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bus bearing Registration No.TN-67-N-0586 from Dindigul to Gopalpatti trip.

While he was proceeding towards Dindigul near M.P.Thottam at about 7.30 p.m., a two wheeler (TVS XL) bearing Registration No.TN-57-AA-1698 under the influence of alcohol come rashly and negligently without following the traffic rules and without wearing helmet and suddenly dashed against the petitioner's bus. The petitioner on seeing this, the petitioner applied brake and stopped the bus. The rider of the two wheeler sustained injury and immediately he was sent to the Government Hospital. The rider of the two wheeler died on the way to hospital. Hence, a case in Crime No.194 of 2022 was registered against the petitioner for offence under Sections 279 and 304 (A) IPC. The petitioner was directed to present before the second respondent along with original driving licence. On the same day, his driving licence was seized by the second respondent and the same was handed over to the first respondent for the purpose of taking action against him under Section 19 (1) of the Motor Vehicle Act. Further, the licence was seized from the petitioner on 28.07.2022, due to which, the petitioner had lost his employment. Due to retention of his driving licence and non-employment, he and his family members put to untold sufferings. Further, he had given explanation on 30.07.2022 about the manner in which the accident has taken place, which was not considered. Hence, filed this writ petition.



2. The learned Special Government Pleader for the respondents submits that the petitioner caused accident on 27.07.2022. The petitioner was driving the bus in rash and negligent manner, dashing the two wheeler, who was on the other edge of the road. Due to this accident, one Savariyar sustained serious injury and died. The case was registered in Crime No.194 of 2022 for offence under Sections 279 and 304 (A) IPC. The petitioner was directed to produce the driving licence along with the documents before the second respondent. At that time, licence was taken by the transport authority for verification. Now, the show cause has been issued in File No.TN57/2022/620, dated 08.08.2022, which was dispatched on 11.08.2022 to the petitioner. This show cause notice is in compliance under Section 19 of the Motor Vehicle Act. After receiving the show cause notice, the petitioner is yet to give his explanation. If the petitioner appears before the first respondent and make his submission, the same would be considered.

3. The learned counsel for the petitioner at this stage submits that the petitioner received show cause notice only few days back. He further submits that he will make his submission in a day or two.

4. Considering the submission and on perusal of the materials, it is seen that the show cause notice now issued to the petitioner, the petitioner is



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willing to respond to the show cause notice. His only grievance is that from 28.07.2022, he is without employment. Apart from this case, there is no other accident case against him.

5. In view of the same, this Court directs the first respondent to complete the enquiry within a period of three weeks from the date of receipt of copy of this order. In the meanwhile, the petitioner is directed to give his objections to the show cause notice within a period of one week from the date of receipt of copy of this order.

6. With the above direction, the writ petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

25.08.2022

Index : Yes / No
Internet : Yes/ No
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Note: Issue order copy on 26.08.2022.



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To

1. The Regional Transport Officer,
The Regional Transport Office,
Dindigul District.

2. The Inspector of Police,
Sanarpatti Police Station,
Sanarpatti,
Dindigul District.

M.NIRMAL KUMAR, J.



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