



W.P(MD)No.23283 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.10.2022

CORAM :

THE HONOURABLE MR.JUSTICE K.KUMARESH BABU

W.P(MD)No.23283 of 2022

Ramesh Kumar

... Petitioner

Vs

1.The Superintendent of Police,
Karur District, Karur.

2.The Licensing Authority /Motor Vehicle Inspector,
Department of Transport,
Unit Office, Kulithalai Zone,
Kulithalai-639 104,
Karur District.

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

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct the second respondent to return the petitioner's forfeited driving license bearing D.L.No.TN37-20060005666 based on the petitioner's representation dated 26.08.2022 with the stipulated time to be fixed by this Court.



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For Petitioner : Mr.K.K.Samy
For R2 : Mr.A.Kannan
Additional Government Pleader
For R1 & R3 : Mr.R.Sivakumar,
Government Advocate (Crl. Side)

ORDER

This writ petition is for a Writ of Mandamus seeking the second respondent to return the petitioner's licence.

2. By consent of both the parties, this writ petition is taken up for final disposal at the stage of admission itself.

3. The case of the petitioner is that he was involved in an accident and an FIR has been registered. The third respondent herein had seized the driving licence of the petitioner and had forwarded it to the second respondent.

4. The learned counsel appearing for the petitioner submitted that on 14.07.2022, the second respondent had issued a show cause notice, for which the petitioner had submitted his explanation on 26.08.2022.



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Till date, no order has been passed. The said action of the second respondent is contrary to the judgment of this Court in the case of **V.Perumal vs. The Regional Transport Officer, The Regional Transport Office, Sivakasi, Virudhunagar District, and another** reported in AIR 2022 218 [W.P.(MD)No.9605 of 2022], wherein this Court has held that the licence could not be impounded before the criminal trial has ended. Therefore, he sought for a direction to return the driving licence.

5. Countering his argument, the learned Additional Government Pleader appearing for the second respondent would submit that the show cause notice had been issued on 14.07.2022 calling upon the petitioner to submit his reply within 10 days under Section 19(1)(d) & (f) of the Motor Vehicles Act, 1988, as to why the petitioner should not be disqualified for a period of not less than three months. The petitioner had belatedly submitted his explanation on 26.08.2022 and orders are yet to be passed by the second respondent.

6. The learned Government Advocate (Crl. Side) for the first and third respondents would submit that the petitioner has been involved in a



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criminal case, which was registered on the file of the third respondent for the offence under Sections 279 and 304(A) of IPC. He had recklessly caused the death of the driver of a two wheeler and hence, his request could not be considered and sought for dismissal of this writ petition.

7. I have considered the arguments made on behalf of either side.

8. Admittedly, show cause notice has been issued on 14.07.2022, for which the petitioner had also submitted his explanation on 26.08.2022 and the orders are yet to be passed by the second respondent. Hence, it is suffice that if a direction is issued to the second respondent to pass orders pursuant to the show cause notice dated 14.07.2022 after affording reasonable opportunity of hearing to the petitioner. Accordingly, the second respondent is directed to pass orders, pursuant to the show cause notice dated 14.07.2022 after affording reasonable opportunity of hearing to the petitioner. The said exercise shall be undertaken by the second respondent within a period of three (3) weeks from the date of receipt of a copy of this order.



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9. This Writ Petition is disposed of with the aforesaid direction.

No costs.

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Index : Yes/No

Internet: Yes/No

sm/ta

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K.KUMARESH BABU, J

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