



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.10.2022

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THE HONOURABLE MR.JUSTICE MOHAMMED SHAFFIQ

W.P(MD).No.24150 of 2022

and

W.M.P(MD)No.18254 of 2022

K.Jeyakumar

... Petitioner

Vs.

1.The Regional Transport Officer,
The Regional Transport Office,
Tenkasi.

2.The Inspector of Police,
Tenkasi Police Station,
Tenkasi.

...Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records from the 1st Respondent relating to the impugned order, dated 26.09.2022 passed in R.No.29749/B2/2022, quash the same and consequently direct the 1st Respondent to return the driving licence of the Petitioner without any remarks, award cost.

For Petitioner: Mr.S.Arunachalam

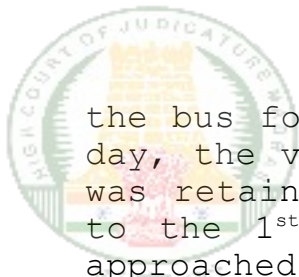
For R1 : Mr.M.Prakash
Additional Government Pleader

For R2 : Mr.R.M.Anbunithi
Additional Public Prosecutor

ORDER

This writ petition is filed challenging the impugned order, dated 26.09.2022 and directing the 1st Respondent to return the driving licence of the Petitioner without any remarks.

2. It is submitted by the learned counsel for the Petitioner that the Petitioner was working as driver in the Tamil Nadu State Transport Corporation (Madurai) Limited. On 25.08.2022, the bus, driven by the Petitioner herein, was involved in a road traffic accident resulting in death of a person. Pursuant to which, an FIR in Crime No.460 of 2022 came to be registered by the 2nd Respondent Police for offences under Sections 279 and 304 (A) of IPC. Thereafter, on 26.08.2022, the Petitioner was directed to produce



the bus for inspection before the Motor Vehicle Inspector. at day, the vehicle was inspected as well as the Petitioner's license was retained by the Motor Vehicle Inspector, who in turn, gave it to the 1st Respondent. Thereafter, on 26.09.2022, the Petitioner approached the Office of the 1st Respondent and submitted a representation for return of his driving license, which is stated to be denied. The 1st Respondent passed the impugned order, dated 26.09.2022 under Section 19(1A) of Motor Vehicle Act disqualifying the Petitioner from holding his license for a period of three months during 30.08.2022 to 30.11.2022. The impugned order has been passed in gross violation of the procedures contemplated under Section 19(1A) of the Motor Vehicle Act. It is also submitted by the learned counsel for the Petitioner that the Petitioner was not in receipt of the notice, dated 19.09.2022.

3. To appreciate the contention of the submission of the learned counsel for the Petitioner, it may be relevant to refer to Section 19(1A) of the Motor Vehicle Act, which reads as under:

"19. Power of licensing authority to disqualify from holding a driving licence or revoke such licence.

(1A) Where a licence has been forwarded to the licensing authority under sub-section (4) of section 206, the licensing authority, if satisfied after giving the holder of the driving licence an opportunity of being heard, may either discharge the holder of a driving licence or, it may for detailed reasons recorded in writing, make an order disqualifying such person from holding or obtaining any licence to drive all or any class or description of vehicles specified in the licence--

(a) for a first offence, for a period of three months;

(b) for a second or subsequent offence, with revocation of the driving licence of such person:

Provided that where a driving licence is revoked under this section, the name of the holder of such driving licence may be placed in the public domain in such manner as may be prescribed by the Central Government."

A reading of the above provision would show that before an order disqualifying the person for a specified period from holding or obtaining any licence either under Section 19(1A)(a) or 19(1A)(b) of the Motor Vehicle Act, is made an opportunity of being heard must be granted and the order under Section 19(1A)(a) or 19(1A)(b) of the Motor Vehicle Act ought to be made after recording detail reason in support thereof.

4. A perusal of the impugned order shows that the impugned order has been passed without setting out any reasons for invoking Section 19(1A) of the Motor Vehicle Act, much less detailed reason. As a matter of fact, this Court finds that even the impugned order



does not bear any reference to the notice, which is contrary to Section 19(1A) of the Motor Vehicle Act. In view of the same, the impugned order, dated 26.09.2022 is set aside. However, the Respondents are at liberty to pass fresh order after providing an opportunity to the Petitioner and while imposing any punishment under Section 19(1A) of the Motor Vehicle Act, the Respondents will take into account the fact that the Petitioner has already suffered disqualification to hold or obtain any licence for two months out of the proposed three months of disqualification to hold or obtain any licence, under Section 19(1A)(a) of the Motor Vehicle Act. The 1st Respondent is directed to return the driving licence of the Petitioner within a period of one week from the date of receipt of copy of this order.

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

Sd/-

Assistant Registrar ()

// True Copy //

31/10/2022

Sub Assistant Registrar(CS)

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To

1.The Regional Transport Officer,
The Regional Transport Office,
Tenkasi.

2.The Inspector of Police,
Tenkasi Police Station,
Tenkasi.

3. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.SPL.GP (SR-51304[F] dated 27/10/2022)

W.P (MD) .No.24150 of 2022
26.10.2022

AMS (31.10.2022) 3P 5C