



WEB COPY



WP.No.936 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.01.2023

CORAM

THE HONOURABLE MR. JUSTICE N.SATHISH KUMAR

WP.No.936 of 2023

G.Sachu

...petitioner

Vs.

1. The Regional Transport Officer,
Coimbatore Central,
Coimbatore.

2. The Inspector of Police,
TIW East,
Coimbatore City,
Coimbatore.

...respondents

Prayer:- This Writ Petition is filed under Article 226 of the Constitution of India, seeking for a Writ of Certiorarified Mandamus, calling for the records of the order passed by the 1st respondent in proceedings No.TN66/2022/746, dated 03.01.2023 for suspending the petitioner's Driving License bearing DL.No.TN-36-19940001635 for the period from



WP.No.936 of 2023

15.12.2022 to 14.06.2023 (5 months and 30 days) quash the same and consequently direct the 1st respondent to return the original Driving License to the petitioner without any endorsement.

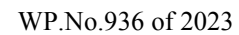
For Petitioner : Mr.P.K.Shiva Kumar

For Respondents : Mr.K.M.D.Muhilan, AGP

ORDER

The present Writ Petition has been filed challenging the proceedings passed under Section 19 of the Motor Vehicle Act by the Regional Transport Officer, temporarily suspending the driving licence of the petitioner.

2. It is the contention of the learned counsel for the petitioner that pending investigation, no such order can be passed suspending the driving license of the petitioner. In support of his contention, the learned counsel relied upon the judgment of the Division Bench of this Court in the case of *P.Sethuram vs. the Licensing Authority, the Regional Transport Officer*, reported in *MANU/TN/2311/2009*



"8. A bare reading of Section 19(1) shows that the Licensing Authority has the power to revoke any licence or disqualify a person for a specified period from holding or obtaining a driving licence, if any of the contingencies prescribed in Clauses (a) to (h) of Sub-section (1) of Section 19 arises. Moreover, the power under Section 19(1) can be invoked only after giving an opportunity of being heard to the holder of the licence and for reasons to be recorded in writing"

4. In such view of the matter, this Writ Petition is disposed of with liberty to the petitioner to file an appeal to the concerned authority within a period of 15 days from today. On such appeal, the authorities



WP.No.936 of 2023

shall consider the same and pass appropriate orders within a period of two months thereafter. No costs.

12.01.2023

Index : Yes/No
pvs

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