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W.P.No.7932 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.04.2023

CORAM :

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.No.7932 of 2023
and WMP Nos.8180 and 8181 of 2023

M.Sathyakumar

... Petitioner

-Vs-

1.The Regional Transport Officer
Mettur Dam, Salem District.

2.The General Manager
Tamil Nadu State Transport
Corporation Limited
Salem, Salem District.

3.The Inspector of Police
Mettur Police Station
Mettur
Salem District.

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus, calling for the records relating to the order passed by the 1st respondent in Show Cause No.TN93/2023/33 dated 17.02.2023 suspending the driving license of the petitioner for 5 months (from 31.01.2023 to 30.07.2023) quash the same and direct the 1st respondent to return the original driving license of the petitioner bearing in DL. No. TN27Y20050003242 to the petitioner.



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For Petitioner Mr.V.Elangovan

For Respondents Mr.S.Arumugam
Government Advocate

ORDER

This writ petition has been filed challenging the proceedings of the first respondent dated 17.02.2023, wherein the driving license of the petitioner has been suspended for a period from 31.1.2023 to 30.07.2023 [5 months and 30 days] and for a consequential direction to the first respondent to return back the original driving license to the petitioner.

2.The petitioner was working as a driver in the Tamil Nadu State Transport Corporation. On 29.01.2023, there was a fatal accident. A case came to be registered in Crime No.27/2023, against the petitioner for offence u/s 279 and 337 IPC. Subsequently, it was altered to Section 304(A) IPC. It was submitted that the investigation is pending in this case.

3.The third respondent seized the driving license of the petitioner and it was handed over to the first respondent. The first respondent through impugned



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proceedings dated 17.02.2023, has suspended the driving license of the petitioner. Aggrieved by the same, the present writ petition has been filed before this Court.

4.Heard Mr.V.Elangovan, learned counsel for the petitioner and Mr.S.Arumugam, learned Government Advocate for the respondents.

5.The issue that is involved in the present writ petition is squarely covered by the earlier order passed by the Division Bench of this Court *in P.Sethuram .v Licensing Authority, Dindigul* reported in (2010) WLR 100. Several orders have been passed by following the Division Bench judgment. It has been categorically held that where the investigation is pending and the concerned person has not been found guilty of rash and negligent driving, the authority cannot resort to suspension of a driving license u/s 19 of the Motor Vehicles Act, 1988. Such cation can be initiated only if the contingencies specified in Clauses (a) to (b) of Section 19(1) of the Motor Vehicles Act, 1988 is specified. That stage has not been reached in the present case. Hence, this Court has to interfered with the impugned proceedings of the first respondent dated 17.02.2023.

6.In the result, the impugned proceedings of the 1st respondent in Show Cause



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No.TN93/2023/33 dated 17.02.2023, is hereby quashed and there shall be a direction to the first respondent to return back the original driving license to the petitioner within a period of **one week** from the date of receipt of copy of this order.

7.This writ petition is accordingly allowed. No costs. Consequently, connected miscellaneous petitions are closed.

19.04.2023

KP

Internet : Yes/No
Index : Yes/No
Speaking Order: Yes/No
Neutral Citation : Yes/No



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To
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N.ANAND VENKATESH, J.



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