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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.04.2023

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THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

W.P No.10721 of 2023
and W.M.P. Nos.10667 & 10668 of 2023

G.Sachu

Petitioner

vs.

1.The Appellate Authority/Joint Transport Corporation,
O/o. The Joint Transport Commissioner,
Coimbatore Circle,
Coimbatore.

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

3.The Inspector of Police,
TW East,
Coimbatore City,
Coimbatore.

Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the entire records pertaining to the order dated 02.03.2023 passed by the 1st respondent in Se.Mu.A.No.142/A6/2023, confirming the proceedings of the 2nd respondent in TN66/2022/746 dated 03.01.2023, quash the same and consequential direction to the 2nd respondent to return the petitioner's original driving license without any endorsement.



For Petitioner : Mr.S.Saravanan

For Respondents : Mr.R.Kumaravel
Additional Government Pleader

ORDER

The instant writ petition has been filed assailing the order passed by the 1st respondent in Se.Mu.A.No.142/A6/2023 dated 02.03.2023, confirming the proceedings of the 2nd respondent in TN66/2022/746 dated 03.01.2023 and for a consequential direction to the 2nd respondent to return the original driving license of the petitioner without making any endorsement.

2.Heard Mr.S.Saravanan, learned counsel appearing on behalf of the petitioner and Mr.R.Kumaravel, learned Additional Government Pleader appearing on behalf of the respondents.

3.The petitioner is working as a Driver in the Tamil Nadu State Transport Corporation, Erode Division. On 06.12.2022, the vehicle that was driven by the petitioner met with an accident and unfortunately, proved to be a fatal accident. The 3rd respondent registered an FIR in Crime No.595 of 2022 against the petitioner on 06.12.2022. Pursuant to the same, the original driving license of the petitioner was seized by the 3rd respondent and it was handed over to the 2nd



respondent. According to the petitioner, the criminal case continues to be at the stage of FIR and it is pending investigation.

4.The grievance of the petitioner is that the 2nd respondent issued a Show Cause Notice dated 13.12.2022, calling upon to the petitioner to show cause as to why the driving license of the petitioner should not be disqualified under Sections 19(1)(d) and 19(1)(f) of the Motor Vehicles Act, 1988 and the relevant Rules made thereunder for a period of not less than three months.

5.The petitioner gave an explanation to the Show Cause Notice on 23.12.2022. On receipt of the Show Cause Notice, the 2nd respondent passed an order on 03.01.2023 suspending the driving license of the petitioner and directing the petitioner to attend for refresher course at the driving centre at Bhavanisagar. Ultimately, a final order was passed by the 2nd respondent through proceedings dated 03.01.2023, whereby, the driving license of the petitioner was suspended for the period from 15.12.2022 to 14.06.2023 (5 months and 30 days). The petitioner was aggrieved by the proceedings of the 2nd respondent and hence, he filed an appeal before the 1st respondent. The 1st respondent through proceedings dated 02.03.2023 confirmed the order passed by the 2nd respondent and disposed of the appeal by issuing the following directions:



1. *All the drivers who are involved in fatal accidents should be directed to undergo refresher course for at least two days conducted by nearest Tamil Nadu State Transport Corporation Training Centre at their own cost and he/she should produce the certificate to this effect.*

2. *He/She should produce medical fitness certificate from the Government Hospital before requesting for revoking disqualification of his/her driving license.*

Aggrieved by the same, the present writ petition has been filed before this Court.

6. The main grievance that was canvassed before this Court was that the criminal proceedings are only at the stage of investigation and hence, no endorsement can be made in the original driving license till the completion of the criminal proceedings and till the petitioner is found guilty of rash and negligent driving. To substantiate the same, the judgment of the Division Bench in ***P.Sethuram vs. The Licensing Authority, The Regional Transport Officer, Dindigul*** reported in ***CDJ 2009 MHC 4114***, was relied upon. The said judgment was also followed in many subsequent orders passed by this Court and one such order passed in W.P.No.21843 of 2021, dated 06.10.2021 was also brought to the notice of this Court.



7. On carefully going through the orders relied upon by the learned counsel for the petitioner, it is seen that this Court has been consistently holding that there is no power to suspend or impound the driving license and to retain the same till the completion of the criminal case. Hence, in all those cases a direction was given to the Department/Corporation to return back the original driving license.

8. The learned Additional Government Pleader appearing on behalf of the respondents submitted that the order passed by the 1st respondent through proceedings dated 02.03.2023 had only directed the petitioner to undergo the refresher course for two days and to produce a Medical Fitness Certificate from the Government Hospital. If these conditions are satisfied, the original driving license of the petitioner will be handed over to him and depending upon the final result in the criminal proceedings, action will be initiated for suspension/impounding of the original driving license. The learned Additional Government Pleader therefore submitted that the earlier orders passed by this Court has not been violated and safeguards are taken by the Corporation to ensure that the concerned Driver is found to be fit to once again take up the job of driving the buses belonging to the Corporation.

9. The question of suspending/revoking the original driving license will arise

only after the criminal proceedings concludes and the petitioner is found to have



driven the vehicle in a rash and negligent manner and accordingly, convicted and sentenced for the same. Till the case is at the stage of investigation, there is no question of suspending the original driving license. Consequently, there is also no question of making an endorsement in the original driving license as “Suspended”. In view of the same, it is left open to the petitioner to undergo the refresher course for two days and to produce the Medical Fitness Certificate from the Government Hospital. Once these conditions are complied with, the original driving license shall be returned back to the petitioner without making any endorsement. This is subject to the final result in the criminal proceedings that have already been initiated against the petitioner.

10.This writ petition is disposed of with the above directions. No Costs. Consequently, connected miscellaneous petitions are closed.

10.04.2023

Index : Yes/No
Internet : Yes/No
Speaking Order/Non-Speaking Order
Neutral Citation Case : Yes/No
ssr



To

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N. ANAND VENKATESH, J.

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