



Writ Petition No.17786 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.06.2023

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Writ Petition No.17786 of 2023

and

W.M.P.No.16897 of 2023

J.M.Senthilkumar
S/o.Muniyappan

...Petitioner

Vs

1.The Inspector of Police,
Arachalur Police Station,
Erode District.

2.The Licensing Authority cum
Regional Transport Officer,
Erode East, Erode.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus calling for the records of the second respondent relating to the order made in proceedings No.12783/E1/2023 dated 01.06.2023, suspending the driving license of the petitioner for a period of six months from 07.06.2023 to 06.12.2023 and to quash the same and consequently, direct the second respondent to delete the endorsement of suspension of license.

For Petitioner : Mr.K.Hariharan
For Respondents : Mr.A.M.Ayyathurai
Government Advocate

ORDER



Writ Petition No.17786 of 2023

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This writ petition has been filed challenging the impugned proceedings of the second respondent dated 01.06.2023, suspending the driving license of the petitioner for a period of six months from 07.06.2023 to 06.12.2023.

2. Heard Mr.K.Hariharan, learned counsel for petitioner and Mr.A.M.Ayyathurai, learned Government Advocate appearing for respondents.

3. The petitioner is a driver in the Tamil Nadu State Transport Corporation. On 02.04.2023, when he was driving the bus, a fatal accident took place. A First Information Report came to be registered in Crime No.74 of 2023 by the first respondent and the case is pending investigation.

4. The license belonging to the petitioner was seized by the first respondent in the course of investigation and it was handed over to the second respondent. The petitioner approached this Court by filing W.P.No.13187 of 2023 for a direction to the second respondent to return the



original driving license. This Court relying upon the earlier orders passed by this Court, issued a positive direction to the second respondent to return back the license. This order was passed on 26.04.2023. Pursuant to this order, the driving license was returned.

5. The grievance of the petitioner is that the second respondent thereafter proceeded to pass the impugned order and had suspended the driving license of the petitioner for the period from 07.06.2023 to 06.12.2023. Aggrieved by the same, the present writ petition has been filed before this Court.

6. The issue involved in the present writ petition is squarely covered by the earlier order passed by this Court in W.P.No.7315 of 2020 dated 01.06.2020. While passing this order, this Court taking into consideration the earlier judgments, categorically held that such suspension of driving license cannot be done during the pendency of investigation. This Court took into consideration the contingencies that are specified in Clauses (a) to (h) of Section 19(1) of Motor Vehicles Act. In that case, the suspension of the license was endorsed in the license and this Court directed such



Writ Petition No.17786 of 2023

endorsement shall be removed and also gave liberty to the concerned authority to initiate action as and when contingencies specified in the above said provision arises. In the present case, the license is yet to be surrendered by the petitioner.

7. The impugned order passed by the second respondent suffers from illegality since the order of suspension has been passed even during the pendency of investigation in the criminal case and the contingencies specified in Clauses (a) to (h) of Section 19(1) of Motor Vehicles Act did not arise. In view of the same, the impugned order passed by the second respondent in proceedings No.12783/E1/2023 dated 01.06.2023, is hereby quashed. It is made clear that the second respondent is at liberty to initiate action against the petitioner if any of the contingencies specified in Clauses (a) to (h) of Section 19(1) of Motor Vehicles Act arise or it is found that there is violation of any rules prescribed by the Central Government. If the suspension of the driving license has been uploaded in Vahan portal, the same shall be removed forthwith.



Writ Petition No.17786 of 2023

This Writ Petition is allowed in the above terms. No costs.

Consequently, connected miscellaneous petition is closed.

15.06.2023

Note to office: Issue order copy by 20.06.2023

Index : Yes/No

Speaking order: Yes/No

Neutral citation: Yes/No

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To

1.The Inspector of Police,
Arachalur Police Station,
Erode District.

2.The Licensing Authority cum
Regional Transport Officer,
Erode East, Erode.



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Writ Petition No.17786 of 2023

N.ANAND VENKATESH, J

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Writ Petition No.17786 of 2023

15.06.2023