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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.06.2023

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THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

Writ Petition No.19299 of 2023
and WMP Nos.18553 &18555 of 2023

N.Mahendran

...Petitioner

Vs

1.The Inspector of Police,
TIW West,
Pulianthope Police Station, Chennai.

2.The Regional Transport Officer,
Licensing Authority,
Office of the Regional Transport Authority,
RTO, Chennai (North),
Kolathur, Chennai, Tamil Nadu – 600 099.

3.The Regional Transport Officer,
Licensing Authority,
Vellamdham, Pandrapuram,
Nagercoil – 629 302.

...Respondents

Prayer :- Writ petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, calling for the records pertaining to the order dated 09.05.2023 passed by the 2nd respondent in Show Cause Order No.Se.Mu. Anai. No.21316/ E3/ 2023, quash the same and consequently direct the third respondent to return forthwith my original license bearing No.TN7420000003800 without any endorsement.



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For Petitioner : Mr.S.Sakthivel

For Respondent : Mr.A.M.Ayyathurai
Government Advocate

ORDER

This writ petition has been filed challenging the impugned proceedings of the second respondent dated 09.05.2023, suspending the driving license of the petitioner for a period of six months from 04.03.2023 to 03.09.2023.

2. Heard Mr.S.Sakthivel, 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 04.03.2023, when he was driving the bus, a fatal accident took place. A First Information Report came to be registered in Crime No.30 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.



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5. The grievance of the petitioner is that though the petitioner submitted a detailed explanation to the show cause notice issued to him, the second respondent, without considering his explanation, has mechanically 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 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.

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.21316/E3/2023 dated 09.05.2023, 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.

This Writ Petition is allowed in the above terms. No costs. Consequently, connected miscellaneous petitions are closed.

30.06.2023

Neutral Citation: Yes/No
Index: yes/no
Speaking Order/Non-Speaking Order
ssr



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N.ANAND VENKATESH., J

SSR

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