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W.P. No. 28357 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.10.2023

CORAM

THE HON'BLE MR. JUSTICE P.D. AUDIKESAVALU

**W.P. No. 28357 of 2023
and
W.M.P. No. 27897 of 2023**

R.Rajasekar

... Petitioner

-VS-

The Regional Transport Authority,
Coimbatore (Central),
Dr. Balasundaram Road,
Coimbatore – 641 018.

... Respondent

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Mandamus, directing the Respondent to return his Original Driving Licence bearing No. TN-4019850000743, without any endorsement and within a specified time as may be fixed by this Court.

For Petitioner : Mr. V.Ajoy Khose

For Respondents : Mr. U.Baranidharan,
Additional Government Pleader



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ORDER

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Heard Mr. V.Ajoy Khose, Learned Counsel for the Petitioner and Mr. U.Baranidharan, Learned Additional Government Pleader appearing for the Respondent and perused the materials placed on record, apart from the pleadings of the parties.

2. The Petitioner is a driver in the Tamil Nadu State Transport Corporation and while on duty, the bus bearing Registration No. TN-38-N-3579 driven by him had on 08.07.2023 met with an accident and his driving licence was seized on 11.07.2023 by the Police Officer investigating that accident and forwarded to the Respondent as the Licensing Authority, and despite representation made, it had not been returned to him. In that factual backdrop, relying on the decision of the Division Bench of this Court in ***P.Sethuram -vs- Licensing Authority, Regional Transport Officer, Dindigul*** (2010 WLR 100) holding that the provisions of the Motor Vehicles Act, 1988, (hereinafter referred to as 'the Act' for short) do not empower the Licensing Authority to suspend or revoke a driving licence for a first offence, the Petitioner has filed this Writ Petition for a direction to the Licensing Authority to return his driving licence.



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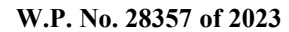
3. Learned Additional Government Pleader appearing for the Respondent submits that certain amendments have been made to the Act, which have come into force from 01.09.2019 onwards and clause (4) in Section 206 and clause (1-A) in Section 19 have been inserted to the Act, which have bearing to the contentions raised in the Writ Petition and read as follows:-

"206. Power of police officer to impound document:-

....

(4) A police officer or other person authorised in this behalf by the State Government shall, if he has reason to believe that the driver of a motor vehicle has committed, an offence under any of Sections 183, 184, 185, 189, 190, 194-C, 194-D or 194-E, seize the driving licence held by such driver and forward it to the licensing authority for disqualification or revocation proceedings under Section 19:

Provided that the person seizing the licence shall give to the person surrendering the licence a temporary acknowledgement therefor, but such acknowledgement shall not authorise the holder to drive until the licence has been returned to him."



• • • •

(a) for a first offence, for a period of three months;

(b) for a second or subsequent offence, with revocation of the driving licence of such person:

Provided that where a driving licence is revoked under this Section, the name of the holder of such driving licence may be placed in the public domain in such manner as may be prescribed by the Central Government."



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It is submitted that in view of the same, the lacunae highlighted by the Division Bench of this Court no longer exists, and the impugned action of seizing the driving licence of the driver of the vehicle involved in an accident by the Police Officer and forwarding it to the Licensing Authority, now has statutory backing and as such, that decision of the Division Bench of this Court would not have any applicability in cases where the accident has occurred after the amendments to the Act have come into force, as in the present one. It is also informed that pursuant to the recommendations made by the Committee on Road Safety appointed by the Hon'ble Supreme Court of India, after issuing Show Cause Notice dated 21.07.2023, the Licensing Authority by Order in Show Cause No. TN66/2023/165 dated 26.07.2023 has suspended the driving licence of the Petitioner for the period from 17.07.2023 to 16.01.2024 (5 months and 30 days) and its copy has been received today in Court by Learned Counsel for the Petitioner.

4. In view of the same, Learned Counsel for the Petitioner seeks permission of this Court to withdraw the Writ Petition with liberty to the Petitioner to the Petitioner to impeach the order of suspension of his driving licence before the proper forum in the manner recognized by law and he has made an endorsement to that effect in the court record.



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In the result, the Writ Petition is dismissed as withdrawn granting such liberty. Consequently, the connected Miscellaneous Petition is closed. No costs.

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Index: Yes/No

NCC: Yes/No

Note: Issue order copy by 30.10.2023.

vjt

To

The Regional Transport Authority,
Coimbatore (Central),
Dr. Balasundaram Road,
Coimbatore – 641 018.



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P.D. AUDIKESAVALU, J.

vjt

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