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W.P. No. 30127 of 2023

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

**DATED : 19.10.2023**

**CORAM**

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

**W.P. No. 30127 of 2023**

**and**

**W.M.P. No. 29756 of 2023**

Thirugnanam

... Petitioner

-VS-

1. The Regional Transport Authority  
Coimbatore (South)  
100, Peelamedu Pudur Road  
Coimbatore – 641 004.

2. The Regional Transport Authority  
Sulur, Trichy Road, Sulur  
Coimbatore – 641 402.

... Respondents

**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 the Petitioner Original Driving Licence bearing No. TN-41-19860001814, without any endorsement and within a specified time as may be fixed by the Court.

For Petitioner : Mr. R.Krishnaswamy

For Respondents : Mr. S.J.Mohamed Sadiq, GA



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## ORDER

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Heard Mr. R.Krishnaswamy, Learned Counsel for the Petitioner and Mr. Mr. S.J.Mohamed Sadiq, Learned Government Advocate, who takes notice for the Respondents 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-33-N-2981 driven by him had on 26.07.2023 met with an accident and his driving licence was seized on 27.07.2023 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 Government Advocate appearing for the Respondents 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."*



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**WEB COPY** **19. Power of licensing authority to disqualify from holding a driving licence or revoke such licence:-**

....

*(1-A) Where a licence has been forwarded to the licensing authority under sub-section (4) of Section 206, the licensing authority, if satisfied after giving the holder of the driving licence an opportunity of being heard, may either discharge the holder of a driving licence or, it may for detailed reasons recorded in writing, make an order disqualifying such person from holding or obtaining any licence to drive all or any class or description of vehicles specified in the licence:-*

- (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 21.08.2023, the Licensing Authority by Order in Show Cause No. 49263/B5/2023 dated 13.10.2023 has suspended the driving licence of the Petitioner for the period from 26.07.2023 to 25.10.2023 (4 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.

19.10.2023

NCS : Yes/No

Index: Yes/No

Maya

**Note: Issue order copy by 27.10.2023.**

To

1. The Regional Transport Authority  
Coimbatore (South)  
100, Peelamedu Pudur Road  
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2. The Regional Transport Authority  
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**P.D. AUDIKESAVALU, J.**

Maya

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