



WEB COPY



W.P. No. 30604 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.10.2023

CORAM

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

W.P. No. 30604 of 2023

and

W.M.P. Nos. 30250 and 30252 of 2023

R.Rajasekar

... Petitioner

-VS-

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

2. The Inspector of Police,
Traffic Investigation Wing – East Police Station,
Coimbatore City,
Coimbatore.

... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the order dated 26.07.2023 passed by the First Respondent in Show Cause No. 39458/B4/23/TN 66/2023/165, quash the same and consequently direct the First Respondent to return my Original Driving Licence bearing No. TN-4019850000743, without any endorsement and within a specified time limit as may be fixed by this Court.



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For Petitioner : Mr. V.Ajoy Khose
For Respondents : Mr. U.Baranidharan,
Additional Government Pleader (for R1)
Mr. S.Rajkumar,
Additional Public Prosecutor (for R2)

ORDER

Heard Mr. V.Ajoy Khose, Learned Counsel for the Petitioner, Mr. U.Baranidharan, Learned Additional Government Pleader, who takes notice for the First Respondent, and Mr. S.Rajkumar, Learned Additional Public Prosecutor, who takes notice for the Second 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 by the Second Respondent, who is investigating that accident, and forwarded to the First Respondent as the Licensing Authority. While the matter stood as narrated supra, the Petitioner has been served with an Order in Show Cause No. TN 66/2023/165 dated 26.07.2023 passed by the First Respondent suspending his driving licence for the period from 17.07.2023 to 16.01.2014 (5 months and



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30 days) under Section 19(1)(d) & (f) of the Motor Vehicles Act, 1988

(hereinafter referred to as 'the Act' for short) read with Rule 21 of the Central Motor Vehicles Rules, 1989. In that 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 Act do not empower the Licensing Authority to suspend or revoke a driving licence for a first offence, the Petitioner has filed this Writ Petition challenging the aforesaid order passed by the First Respondent and to consequently direct First Respondent to return his original driving licence bearing No. TN-4019850000743 without any endorsement within a time limit that may be fixed by the Court.

3. Learned Additional Government Pleader appearing for the First Respondent has brought to notice that as the Petitioner has committed the offence for the first time, the maximum period of disqualification may be three month as per Section 19(1-A) of the Act and in view of the same, the disqualification has been confined to the period from 17.07.2023 to 16.10.2023 (3 months) by Revised Order in Se. Mu. Aanai No. 39458/E4/2023 dated 28.10.2023 passed by the First Respondent and the original driving licence has also been returned to Learned Counsel for the Petitioner, who also



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acknowledges its receipt and he has also made an endorsement to that effect in the court record. In view of the same, nothing remains for further consideration in the Writ Petition, but if the Petitioner still has any grievance to be redressed in the matter, he is not precluded from working out his rights before the proper forum in the manner recognized by law.

In the result, the Writ Petition is disposed with the aforesaid observations. Consequently, the connected Miscellaneous Petitions are closed. No costs.

30.10.2023

Index: Yes/No

NCC: Yes/No

Note: Issue order copy by 31.01.2024.

vjt

To

1. The Regional Transport Authority,
Coimbatore (Central),
Dr. Balasundaram Road,
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2. The Inspector of Police,
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P.D. AUDIKESAVALU, J.

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