



W.P.(MD) No.5422 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 14.03.2023

CORAM:

THE HONOURABLE MS.JUSTICE P.T.ASHA

W.P.(MD) No.5422 of 2023

A.Riyas Ahamadhu

.. Petitioner

Vs.

1.Regional Transport Officer
(Licensing Authority),
Palani,
Dindigul District.

2.The Sub-Inspector of Police,
Palani Police Station,
Dindigul.

.. Respondents

Prayer :- Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Certiorarified Mandamus, to call for the records of the first respondent issued under reference File No.TN94/2023/15 dated 16.02.2023 and to quash the impugned notice for disqualifying his driving license No.TN4120070005438 of the petitioner and to direct the first respondent to return the same immediately without any endorsement.

For Petitioner : Mr.A.Rajendiran



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For R1 : Mr.T.Amjadkhan
Government Advocate

For R2 : Mr.M.Vaikkam Karunanithi
Government Advocate

ORDER

The petitioner, who is a Driver with the Tamil Nadu State Transport Corporation Ltd., had been involved in an accident on 11.02.2023, in an by which he had dashed against a Bajaj Pulsar two wheeler coming in the opposite direction in a rash and negligent manner. The Driver of the two wheeler lost control and sustained severe head injury, since he was not wearing helmet and he was bleeding through his left ear. The petitioner has rushed to call the ambulance to give immediate medical aid to the person who had fallen down. The Driver ultimately succumbed to injuries and died.

2. The petitioner had immediately given complaint to the Neikkarapatti police station, but though the petitioner had pleaded that he was not at fault, the second respondent had registered an FIR against



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the petitioner on the basis of a complaint given by one Ravindran.

Thereafter, the Transport Corporation had initiated disciplinary action against the petitioner and kept him under suspension. While so, the second respondent had seized the petitioner's original driving licence issued by the Regional Transport Officer, Pollachi and forwarded the same to the first respondent for further action. Thereafter, the petitioner has received a show cause notice dated 16.02.2023 calling upon him to give explanation as to why his original driving licence should not be disqualified for a period of less than three months. Challenging this seizure, the petitioner has filed this writ petition to quash the same and further to direct the first respondent to return the petitioner's driving licence without any endorsement.

3. The learned Government Advocate for the second respondent would submit that the petitioner has been reinstated without prejudice to the outcome of the final departmental proceedings. Further Section 19 of the Motor Vehicles Act, 1988 empowers the Licensing Authority to disqualify a person or revoke the licence for the contingencies set out



therein, which include “it is being used or used in commission of a cognizable offence”.

4. Learned counsel for the petitioner would rely upon the decision of a Division Bench of this Court in ***P.Sethuram Vs. The Licensing Authority, The Regional Transport Officer, Dindigul*** reported in ***2010 Writ L.R. 100***, wherein a question was raised as to whether mere registration of a criminal complaint was enough to revoke a driving licence. The Bench considering Section 19(1) of the Motor Vehicles Act extensively held as follows:

“8. A bare reading of Section 19(1) shows that the Licensing Authority has the power to revoke any licence or disqualify a person for a specified period from holding or obtaining a driving licence, if any of the contingencies prescribed in Clauses (a) to (h) of Sub Section (1) of Section 19 arises. Moreover, the power under Section 19(1) can be invoked only after giving an opportunity of being heard to the holder of the licence and for reasons to be recorded in writing.”



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5. In the light of the above, the first respondent has no authority to retain the driving licence, particularly when the petitioner has now been reinstated into the Corporation as Driver and he is required to possess his driving licence.

6. For the above reasons, this Writ Petition is allowed, the impugned order is set aside and the first respondent is directed to return the petitioner's original driving licence within a week from the date of receipt of a copy of this order. No costs.

14.03.2023

NCC : Yes/No

Index : Yes/No

Internet : Yes

abr

To

1.The Regional Transport Officer
(Licensing Authority),
Palani,
Dindigul District.

2.The Sub-Inspector of Police,
Palani Police Station, Dindigul.



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P.T.ASHA, J.

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