



W.P.(MD) No.5478 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.03.2023

CORAM:

THE HONOURABLE MS.JUSTICE P.T.ASHA

W.P.(MD) No.5478 of 2023

and

W.M.P(MD) No.5116 of 2023

N.Chokkalingam

Vs

... Petitioner

1.The Regional Transport Officer,
The Regional Transport Office,
Nagarcoil, Kanniyakumari District.

2.The Inspector of Police,
Aralvaimozhi Police Station,
Aralvaimozhi,
Kanniyakumari District.

... Respondents

Prayer :- Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Mandamus, directing the first respondent to return the petitioner's original driving license within a time limit that may be fixed by this Court.



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For Petitioner : Mr.G.M.Xavier

For R1 : Mr.J.John Rajadurai
Government Advocate

For R2 : Mr.M.Vaikkam Karunanidhi
Government Advocate

ORDER

The petitioner, who is a Driver with the Tamil Nadu State Transport Corporation Ltd., had been involved in an accident while driving a bus on 08.01.2023, in an by which he had dashed against a two wheeler coming in the opposite direction in a rash and negligent manner. The pillion rider of the two wheeler sustained injuries and died on the spot. Immediately, an ambulance was called and the deceased and the injured person were sent to the Aasari Pallam Government Hospital.

2. The second respondent had registered an FIR based on the complaint of one Jeyapal against the petitioner in Crime No.7 of 2023, alleging that the petitioner had caused the accident. Thereafter, the Transport Corporation had initiated disciplinary action against the



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petitioner and kept him under suspension. While so, the second respondent had seized the petitioner's original driving licence and forwarded the same to the first respondent for further action. Thereafter, the petitioner has received a show cause notice dated 18.01.2023 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. The petitioner would submit that impounding of his driving licence without issuing notice is against the principles of natural justice. Therefore, this writ petition.

3. The learned Government Advocate for the first respondent would submit that 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. Heard the learned counsels on either side.



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5. A Division Bench of this Court in the case of ***P.Sethuram Vs. The Licensing Authority, The Regional Transport Officer, Dindigul*** reported in ***2010 Writ L.R. 100***, was dealing with the similar issue, 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.”

In the light of the above, the first respondent has no authority to retain the driving licence.



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6. For the above reasons, the writ petition is allowed. The first respondent is directed to return the petitioner's original driving licence within a period of four weeks from the date of receipt of a copy of this order. No costs. Consequently, the connected Miscellaneous Petition is closed.

15.03.2023

NCC : Yes/No
Index : Yes/No
Internet : Yes/No
cp

To

- 1.The Regional Transport Officer,
The Regional Transport Office,
Nagarcoil, Kanniyakumari District.
- 2.The Inspector of Police,
Aralvaimozhi Police Station,
Aralvaimozhi,
Kanniyakumari District.



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P.T.ASHA, J.

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