



WP(MD)No.6313 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.03.2023

CORAM

THE HONOURABLE MS.JUSTICE P.T.ASHA

WP(MD)No.6313 of 2023

A.Arunkumar

... Petitioner

Vs.

1.The Regional Transport Officer,
Regional Transport Office,
Palani, Dindigul District.

2.The Inspector of Police,
Oddanchatram Police Station,
Dindigul District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue a writ of mandamus directing the first respondent to return back the petitioner's original driving licence bearing TN5720070003301 forthwith and within the time frame that may be fixed by this Court.

For Petitioner : Mr.J.Senthil Kumaraiah

For Respondents : Mr.A.Sivanupandian
Government Advocate for R1

Mr.M.Vaikkam Karunanithi
Government Advocate for R2



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ORDER

The petitioner, who is a private passenger bus driver had been involved in an accident while driving a bus on 29.01.2023, in an by which the petitioner hit an old lady, who crossed the road suddenly without any indication. The old lady sustained injuries and was admitted in the Government Hospital where she succumbed to her injuries.

2. The second respondent had registered an FIR based on the complaint of one Nagarani against the petitioner in Crime No.62 of 2023, alleging that the petitioner had caused the accident. Immediately, the second respondent seized the driving licence of the petitioner and forwarded the same to the first respondent for further action. Thereafter, the petitioner has received a show cause notice dated 07.03.2023 from the first respondent 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.



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3. The learned Government Advocate appearing 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.

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



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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.

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.

24.03.2023

NCC:Yes/No
Index:Yes/No
Speaking/Non-speaking order

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To

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P.T.ASHA, J.

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