



W.P.(MD) No.8880 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.04.2023

CORAM:

THE HONOURABLE MS.JUSTICE P.T.ASHA

W.P.(MD) No.8880 of 2023

C.Muthuvirman

... Petitioner

Vs.

1.The Superintendant of Police,
Madurai.

2.The Regional Transport Officer,
Madurai North,
Madurai-625002.

3.The Inspector of Police,
Alanganallur Police Station,
Alanganallur,
Madurai District.

... Respondents

Prayer :- Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Mandamus, directing the second respondent to return the petitioner's impounded driving licence bearing D.L.No.TN58-19980004124 with the stipulated time fixed by this Court.



W.P.(MD) No.8880 of 2023

For Petitioner : Mr.K.K.Samy

For Respondents : Mr.J.John Rajadurai
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 04.01.2023 and the accident had occurred at about 5.45 p.m., at Thinamani Bus Stop, Near Chinthamani. The victim was travelling on the foot board due to an overload of passengers in the Bus. When a sudden brake was applied by the driver of the TATA ACE Vehicle going in front of the bus driven by the petitioner, he was also forced to apply a sudden brake to avoid a collision, due to the sudden brake, the passengers got injured. Immediately, he was taken to hospital for treatment where he succumbed to injuries.

2. The second respondent had registered an FIR based on the complaint of one Chithiraiselvin against the petitioner in Crime No.4 of



W.P.(MD) No.8880 of 2023

2023, alleging that the petitioner had caused the accident. 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 for further action. 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 respondents 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***



W.P.(MD) No.8880 of 2023

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.



W.P.(MD) No.8880 of 2023

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6. For the above reasons, the writ petition is allowed. The second 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.

20.04.2023

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

To

- 1.The Superintendant of Police,
Madurai.
- 2.The Regional Transport Officer,
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Madurai-625002.
- 3.The Inspector of Police,
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W.P.(MD) No.8880 of 2023

P.T.ASHA, J.

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