



W.P.(MD) No.15238 of 2023

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED : 27.06.2023**

**CORAM:**

**THE HONOURABLE MS.JUSTICE P.T.ASHA**

W.P.(MD) No.15238 of 2023

and

W.M.P.(MD) Nos.12849 and 12850 of 2023

T.Rajendran

.. Petitioner

Vs.

1.The Licencing Authority,  
Regional Transport Officer,  
Madurai North, Madurai.

2.The Regional Transport Officer,  
Tenkasi.

.. Respondents

Prayer :- Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Certiorarified mandamus, calling for the records pertaining to the impugned order passed by the first respondent in Show Cause No.R.No.7907/A4/2023 (TN59/2023/1042) dated 02.03.2023 and quash the same and consequently directing the first and second respondents to return the petitioner's original driving licence.

For Petitioner : Mr.K.Guhan



W.P.(MD) No.15238 of 2023

For Respondents : Mr.D.Ghandiraj  
Special Government Pleader

### **ORDER**

The petitioner seeks to quash the impugned order dated 02.03.2023 and direct the respondents to return his original driving licence.

2. The petitioner, who is a Driver with the Tamil Nadu State Transport Corporation (Tirunelveli) Ltd., Thoothukudi, had been involved in an accident on 06.02.2023, in and by which a two-wheeler rider, who was not observing the traffic rules and regulations, dashed at the back side of the bus door driven by the petitioner and died in the hospital. Thereafter, an FIR was registered and the Police Authority seized the driving licence of the petitioner. After seizure, the same was forwarded to the first respondent for taking action. The first respondent issued a show cause notice. In continuation of the show cause notice, the first respondent has passed the impugned order, thereby suspending the petitioner's licence for the period from 06.02.2023 to 05.08.2023. Challenging the same, the petitioner is before this Court.



WEB COPY

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*



W.P.(MD) No.15238 of 2023

*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 impugned order dated 02.03.2023 passed by the first respondent is set aside and the first respondent is directed to return the driving licence of the petitioner within a period of four weeks from the date of receipt of a copy of this order. No costs. Consequently, the connected Miscellaneous Petitions are closed.

**27.06.2023**

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

abr



W.P.(MD) No.15238 of 2023

WEB COPY

To

- 1.The Licencing Authority,  
Regional Transport Officer,  
Madurai North, Madurai.
- 2.The Regional Transport Officer,  
Tenkasi.



WEB COPY



W.P.(MD) No.15238 of 2023

**P.T.ASHA, J.**

abr

**W.P.(MD) No.15238 of 2023**

**Dated : 27.06.2023**