



W.P.(MD) No.10094 of 2023

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.04.2023

CORAM:

THE HONOURABLE MS.JUSTICE P.T.ASHA

W.P.(MD) No.10094 of 2023

and

W.M.P.(MD) Nos.8877 and 8878 of 2023

Jayaraj

.. Petitioner

Vs.

The Licensing Authority,
Office of the Regional Transport Officer,
Transport Department,
Government of Tamil Nadu,
Thanjavur.

.. Respondent

Prayer :- Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Certiorari calling for the records pertaining to the impugned order passed by the respondent in show cause No.TN49/2023/187, dated 10.04.2023 and quash the same as illegal and arbitrary.

For Petitioner : Mr.B.Jameel Arasu

For Respondent : Mr.T.Amjadkhan
Government Advocate



W.P.(MD) No.10094 of 2023

WEB COPY

ORDER

The petitioner, who is a Jeep Driver with the Government Department, had been involved in an accident, in an by which an aged woman met with an accident and died in the spot.

2. The petitioner would submit that while he was driving the jeep for the office duty towards Thanjavur from Orathanadu, an accident had occurred due to which an aged woman got injured and when she was rushed to the hospital, she was declared dead. Thereafter, the Inspector of Police, Orathanadu, registered a criminal case against the petitioner for the involvement of accident and seized the driving licence of the petitioner. After seizure, the same was forwarded to the respondent for taking action for which the respondent issued a show cause notice dated 24.03.2023. In continuation of the show cause notice, the respondent has passed the impugned order, thereby suspending the petitioner's licence for the period from 09.03.2023 to 08.09.2023. Challenging the same, the petitioner is before this Court.



W.P.(MD) No.10094 of 2023

WEB COPY

3. 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.10094 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 respondent has no authority to retain the driving licence.

6. For the above reasons, the writ petition is allowed. The impugned order dated 10.04.2023 passed by the respondent is set aside and the 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.

27.04.2023

NCC : Yes/No

Index : Yes/No

Internet : Yes

abr



WEB COPY



W.P.(MD) No.10094 of 2023

To

The Licensing Authority,
Office of the Regional Transport Officer,
Transport Department,
Government of Tamil Nadu,
Thanjavur.



WEB COPY



W.P.(MD) No.10094 of 2023

P.T.ASHA, J.

abr

W.P.(MD) No.10094 of 2023

Dated: 27.04.2023