



W.P.(MD) No.13376 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.06.2023

CORAM:

THE HONOURABLE MS.JUSTICE P.T.ASHA

W.P.(MD) No.13376 of 2023

A.Sankarraaj

.. Petitioner

Vs.

1.The Licensing Officer,
Regional Transport Office,
Office of the Regional Transport,
Madurai North, Madurai District.

2.The State,
Rep., by the Inspector of Police,
Tallakulam Transport Investigation Wing Unit-II,
Madurai.

.. Respondents

Prayer :- Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Certiorarified Mandamus, to call for the records on the file of the first respondent with regard to the impugned proceedings in R.No.16408/A4/2023 dated 11.04.2023 and quash the same and directing the first Respondent to return the petitioner's Original Driving License bearing No.TN 67 20080005177 forthwith by considering petitioner's representation dated 31.03.2023.



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For Petitioner : Ms.Prabha
for Mr.P.Balasubramanian

For Respondents : Mr.D.Ghandiraj
Special Government Pleader

ORDER

The petitioner, who is a driver with the Tamil Nadu State Transport Corporation Ltd., had been involved in an accident on 26.02.2023, in an by which he had dashed against a motor cycle. The Driver of the vehicle lost control and both the rider and pillion rider of the motor cycle sustained injury. The petitioner has rushed to call the ambulance and sent them to Madurai Rajaji Government Hospital, where the pillion rider was declared dead.

2. The petitioner would submit that the second respondent registered an FIR. On the very next day, the first respondent suspended the petitioner from service. While so, the second respondent seized the petitioner's driving licence and forwarded the same to the first respondent. Subsequently, the petitioner's driving licence was revoked on 16.03.2023 and he was directed to join duty on 29.03.2023. The



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petitioner would submit that since his licence was at the hands of the first respondent, he was unable to joint duty. Hence, he has sent a detailed representation to the first respondent on 30.03.2023. Till date, the representation has not been considered. To the petitioner's chock and surprise, the impugned order has been passed by the first respondent suspending the petitioner's driving licence for a period of 5 months and 30 days. Challenging this order, the petitioner is before this Court.

3. The learned Government Advocate appearing 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***



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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.

6. For the above reasons, the writ petition is allowed. The impugned order dated 11.04.2023 passed by the first respondent is set aside and the first respondent is directed to return the driving licence of



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the petitioner within a period of three weeks from the date of receipt of a copy of this order. No costs.

09.06.2023

NCC : Yes/No

Index : Yes/No

Internet : Yes

abr

To

- 1.The Licensing Officer,
Regional Transport Office,
Office of the Regional Transport,
Madurai North, Madurai District.
- 2.The Inspector of Police,
Tallakulam Transport Investigation Wing Unit-II,
Madurai.



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P.T.ASHA, J.

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