



W.P.(MD) No.15095 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.15095 of 2023

and

W.M.P.(MD) No.12703 of 2023

S.Nagendharan

.. Petitioner

Vs.

1.The Regional Transport Officer,
The Regional Transport Office,
Madurai North, Madurai District.

2.The Sub Inspector of Police,
Samayanellur Police Station,
Madurai District.

.. 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 R.No.26350 A4 2023 dated 23.05.2023, quash the same and consequently direct the first respondent to drop the action against the petitioner.

For Petitioner : Mr.G.M.Xavier



W.P.(MD) No.15095 of 2023

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For Respondents : Mr.J.John Rajadurai
Government Advocate

ORDER

The petitioner seeks to quash the impugned order dated 23.05.2023 and direct the first respondent to return his original driving licence.

2. The case of the petitioner is that he is a Driver with the Tamil Nadu State Transport Corporation (Madurai) Limited with effect from 06.09.2011 and was promoted as a Senior Driver. He would submit that on 07.05.2023, at about 8 p.m., while he was proceeding to 'Paravai Mill Colony', there was a dark place without any signal and a tractor was parked at the centre median. On seeing this, the petitioner applied break, however, the bus hit against the back body of the tractor, in and by which the petitioner got severe injury on his stomach, toe, hip and shoulder. Hence, he became unconscious and thereafter, was admitted at the Government Rajaji Hospital. After, getting conscious, the petitioner came to know that due to the accident, some of the workers, who were



W.P.(MD) No.15095 of 2023

carrying out cleaning work by stopping their tractor on the centre median, got injuries and some workers died. Thereafter, an FIR was registered by the second respondent and the petitioner was directed to be present before the second respondent with his original driving licence on the same day, who 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 dated 11.05.2023, to which the petitioner has also submitted his explanation. However, the first respondent has passed the impugned order dated 23.05.2023, thereby suspending the petitioner's licence for the period from 21.05.2023 to 06.11.2023. Challenging the same, the petitioner is before this Court.

3. 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”.



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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 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.”



W.P.(MD) No.15095 of 2023

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 23.05.2023 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 three weeks from the date of receipt of a copy of this order. No costs. Consequently, the connected Miscellaneous Petition is closed.

27.06.2023

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

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W.P.(MD) No.15095 of 2023

P.T.ASHA, J.

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To

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

W.P.(MD) No.15095 of 2023

Dated : 27.06.2023