



W.P.(MD) No.15655 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.06.2023

CORAM:

THE HONOURABLE MS.JUSTICE P.T.ASHA

W.P.(MD) No.15655 of 2023

and

W.M.P.(MD) No.13140 of 2023

A.Mahesh

.. Petitioner

Vs.

1.The Regional Transport Officer,
The Regional Transport Office,
Marthandam, Kanniyakumari District.

2.The Inspector of Police,
Kaliyakkavilai Police Station,
Kanniyakumari District.

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Mandamus, directing the first respondent to return the petitioner's original driving licence within a time limit that may be fixed by this Court.

For Petitioner : Mr.G.M.Xavier

For Respondents : Mr.D.Ghandiraj
Special Government Pleader



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W.P.(MD) No.15655 of 2023

ORDER

The petitioner seeks to issue Mandamus to the first respondent to return his original driving licence.

2. The petitioner, who is a Driver with the Tamil Nadu State Transport Corporation Ltd., had been involved in an accident on 09.06.2023, in an by which the rider and pillion riders of the two-wheeler sustained injuries. The petitioner has rushed to call the ambulance to give immediate medical aid to the victims, and the injured persons were sent to the Kulithurai Government Hospital. The second respondent police was informed about the accident. Though the petitioner had pleaded that he was not at fault, the second respondent had registered an FIR against the petitioner. The second respondent had also seized the petitioner's original driving licence and handed over the same to the first respondent for further action. The petitioner gave his representation on 14.06.2023 requesting to return his driving licence. Since no steps have been taken by the first respondent to return the petitioner's licence, he has come up by way of this writ petition.



W.P.(MD) No.15655 of 2023

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3. Learned Special Government Pleader 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. Learned counsel for the petitioner would rely upon the decision of a Division Bench of this Court in ***P.Sethuram Vs. The Licensing Authority, The Regional Transport Officer, Dindigul*** reported in ***2010 Writ L.R. 100***, 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



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W.P.(MD) No.15655 of 2023

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 petitioner's driving licence.

5. For the above reasons, the writ petition is allowed. The first 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. Connected miscellaneous petition is closed.

30.06.2023

NCC : Yes/No

Index : Yes/No

Internet : Yes

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W.P.(MD) No.15655 of 2023

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To

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W.P.(MD) No.15655 of 2023

P.T.ASHA, J.

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W.P.(MD) No.15655 of 2023

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