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W.P.No. 19353 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.07.2024

CORAM:

THE HONOURABLE **MRS. JUSTICE V.BHAVANI SUBBAROYAN**

W.P.No.19353 of 2024

and

W.M.P.No.21211 of 2024

R. Dinesh Babu

.. Petitioner

Versus

1. The Regional Transport Authority,
Coimbatore (South)
100, Peelamedu Pudur Road,
Coimbatore – 641 004.

2. The Inspector of Police,
Traffic Investigation Wing(East)
Coimbatore City, Katoor,
Gandhipuram, Coimbatore-641 018.

...Respondents

Prayer: This petition is filed under article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the first respondent to return petitioner's original driving licence bearing No.TN672008005484, without any endorsement and within a specified time and pass orders.



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For Petitioner	: Mr.V. Ajay Khose
For Respondent-1	: Mr. M. Venkateswaran Special Government Pleader
For Respondent-2	: Mr.C.E.Pratap Government Advocate (Crl Side)

ORDER

This writ petition is filed seeking a writ of Mandamus seeking a direction to the first respondent to return petitioner's original driving licence bearing No.TN6720080005484.

2. The facts of the case is that the petitioner is a driver of the Tamil Nadu State Transport Corporation (Coimbatore). On 02.06.2024 when the petitioner was driving the bus bearing Registration No: TN-38-N-3575 from Singanallur bus stand to Gandhipuram, the rider of a two wheeler bearing Registration No.TN-67-CZ-0063 drove the the vehicle in a rash and negligent manner and dashed against the bus, due to which he was severely injured and succumbed to injuries. An F.I.R was registered against the petitioner in Crime No.244 of 2024 under Sections 279 and 304(A) of the I.P.C. Pursuant to which the second respondent



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seized the original driving licence of the petitioner. Hence, the petitioner gave a representation to the first and second respondents. However, the first respondent without conducting any enquiry or providing an opportunity of personal hearing passed orders seized the petitioners driving licence and instructed the petitioner to collect the original driving licence after six months. Aggrieved over the same the petitioner has come up with this petition.

3. The learned counsel for the petitioner submitted that the respondents have no power or authority to hold the driving licence of the petitioner. He further submitted that the petitioner has not committed any offence mentioned under section 19(1) of the Motor Vehicles Act. Hence, due to the seizure of the driving licence of the petitioner, his livelihood is greatly affected. Hence, prays to allow this petition.

4. The learned counsel Special Government Pleader appearing for the first respondent submitted that the petitioner drove his vehicle in a rash and negligent manner and caused the accident and a case was also



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registered against him. Hence, prays to dismiss this petition.

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5. Heard both sides and perused the materials available on records.

6. The issue involved in this writ petition is with regard to the seizure of licence of the petitioner. It is the submission of the respondents that the petitioner has caused the accident, due to which his licence is being seized. But, the fact remains that whether the petitioner has not caused the accident or not is a matter of trial, which has to be decided by the learned Judge where the case is pending. This Court while dealing with the identical facts of the case in W.P.No.11 of 2022 has discussed the issue elaborately and the relevant portion is extracted hereunder:

19. In such a view of the matter, this Court is of the view that seizure of the licence to take action under section 19 is not a mandatory. Irrespective of licence being surrendered or produced before the authorities, the action can be initiated by the authorities under Section 19 of the report submitted by the police. Therefore, this Court is of the view that merely on the basis of the FIR is registered particularly in the other IPC offences, the police officer cannot have power to seize the licence. If at all any action is contemplated under Section 19, they may forward a report to the concerned RTA to take action under Section 19 of the Act. On such



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report the licensing authority is satisfied any of the contingencies in clauses 1(a) to (h) of Section 19 and sub-clause 1A of the Act and after giving an opportunity to the holder of the licence may pass an order as contemplated in Section 19 of the Act.

7. In view of the above Judgment and also taking note of the facts of the case, this Court is of the view that the action taken by the respondents under Section 19(1) of the Motor Vehicles Act is not mandatory and directs the respondent to give the original licence to the petitioner within a period of two weeks from the date of receipt of a copy of this order. **It is made clear that this order will not stand in way for the respondent to proceed with the criminal case pending against the petitioner. The respondents can take action in the criminal case in the manner known to law.**

8. With the aforesaid direction, this writ petition is disposed of. No order as to costs. Consequently, the connected miscellaneous petition is closed.

11.07.2024

Speaking order : Yes/No



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Neutral citation : Yes/No

Index : Yes/No

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V.BHAVANI SUBBAROYAN, J.

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