



W.P.No.22717 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.08.2024

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.22717 of 2024

Ravichandran

... Petitioner

Vs

1. The Regional Transport Officer cum
Licensing Authority,
Hosur,
Krishnagiri District.

2. The General Manager,
Tamil Nadu State Transport Corporation
(Salem) Ltd.,
No.12, Ramakrishna Salai,
Salem – 636 007.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, directing the first respondent to return the driving license vide DL.No.TN 29 19950003508 to the petitioner forthwith to enable him to join and continue his service in the second respondent transport corporation.

For Petitioner	: Mr.M.R.Elavarasan
For R1	: Mr.V.Manoharan Additional Government Pleader
For R2	: Mr.K.Raja Standing Counsel



W.P.No.22717 of 2024

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ORDER

This writ petition has been filed for direction directing the first respondent to return the driving license vide DL.No.TN 29 19950003508 to the petitioner forthwith to enable him to join and continue his service in the second respondent transport corporation.

2. Heard the learned counsel on either side and perused the materials available on record.

3. The petitioner is a Driver and he possess valid license to drive four wheeler and it is valid up to 07.12.2030. He was appointed as a Driver in the second respondent Corporation. While being so, on 29.06.2024, the petitioner had committed accident and due to which, one person died. On the complaint lodged by the deceased wife, FIR has been registered in Crime No.162 of 2024, on the file of the Inspector of Police, Royakottai, Krishnagiri District, for the offences under Sections 279 and 304 (A) of IPC. The investigation is still pending. While being so, the first respondent suspended the petitioner's license by seizure of license from the petitioner.



W.P.No.22717 of 2024

WEB COPY

4. Admittedly, the criminal case is under investigation and no conviction order has been passed as against the petitioner, pursuant to the registration of FIR in Crime No.162 of 2024. Therefore, the first respondent has no jurisdiction or authority to suspend the license till the pronouncement of Judgment by the criminal Court. That apart, before suspending the license, the petitioner was not given any opportunity and therefore, it is a clear violation of principles of natural justice.

5. A perusal of the provision under Section 19(1) of the Motor Vehicles Act, it is clear that the Licensing Authority has power to revoke any license or disqualify a person for a specified period from holding or obtaining driving license, if any of the contingencies prescribed in Clauses (a) to (h) of sub-section (1) of Section 19 arises. More over, the power of Section 19(1) can be invoked only after giving an opportunity of being heard to the holder of license and for the reasons to be recorded in writing.



W.P.No.22717 of 2024

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6. Therefore, the impounding order of suspension or cancellation of the petitioner's license can be resorted to only after findings of the Criminal Court or the Claims Tribunal. It is not open to the first respondent to suspend the license of the petitioner that too without prior notice.

7. In view of the above, the first respondent is directed to return the license vide DL.No.TN 29 19950003508 to the petitioner forthwith.

8. Accordingly, this writ petition stands allowed. No costs.

06.08.2024

Internet: Yes
Index : Yes/No
Neutral Citation : Yes/No
Speaking/Non Speaking order
mn



W.P.No.22717 of 2024

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W.P.No.22717 of 2024

G.K.ILANTHIRAIYAN. J.

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W.P.No.22717 of 2024

06.08.2024