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W.P.No.23868 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.08.2024

CORAM:

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

W.P.No.23868 of 2024

K.Babu

... Petitioner

-Vs-

1. The Licensing Authority,
Regional Transport Office,
Chengalpet.

2. The Motor Vehicle Inspector,
Regional Transport Office,
Thirukazhukundram.

3. The Inspector of Police,
Mamallapuram Police Station,
Chengalpattu.

... Respondents

Prayer : Writ Petition filed under Article 226 of Constitution of India praying for the issuance of a Writ of Mandamus, directing the first and second respondent to consider the representation dated 01.08.2024 and consequently direct the first and second respondent to return the petitioner's original driving license bearing No. TN. 31 19990003119 to the petitioner within a time limit that may be fixed by this Court.

For Petitioner	: Mr.M.Vengadesan
For R1 and R2	: Mr.C.Kathiravan Special Government Pleader
For R3	: Mr.A.Gopinath Government Advocate (Crl.side)



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ORDER

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This writ petition has been filed for direction directing the first and second respondents to consider the representation submitted by the petitioner seeking return of original driving license.

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

3. The petitioner is a Driver of the bus belongs to the State Express Transport Corporation, Tamil Nadu. While being so, on 20.05.2024, when the petitioner was driving his bus from Pondicherry to Chennai, an aged person, without looking both the sides, suddenly crossed the road. The petitioner was unable to control to stop the bus and hit a person who crossed the road. Therefore, he sustained grievous injuries and died. Pursuant to the said occurrence, FIR has been registered in Crime No.277 of 2024 for the offences under Sections 279 and 304(A) IPC. Now, the investigation is pending.

4. Pursuant to the registration of FIR, the original driving license of the petitioner has been confiscated by the third respondent and surrendered before the second respondent. Now, it is forwarded to the first respondent for initiation



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of departmental proceedings. That apart, the petitioner was also suspended from service.

5. The only question arise in this writ petition is that the first respondent has power to retain the license of the petitioner.

6. Admittedly, a criminal case is in the stage of FIR and no final report has been filed so far. Further, the guilt of the petitioner is not yet proved. Mere involvement of the vehicle in an accident does not automatically result in revocation of license or suspension of license. As per Section 19(1) of the Motor Vehicles Act, the procedure of suspending or revocation of license would arise only after the holder of license is found guilty.

7. In view of the above, the first and second respondents are directed to return the petitioner's original driving license bearing No. TN. 31 19990003119 to the petitioner, within a period of two weeks from the date of receipt of a copy of this order.

8. With the above directions, this writ petition is disposed of. There shall be no order as to costs.



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Internet: Yes

Index : Yes/No

Neutral Citation: Yes/No

Speaking/Non Speaking order

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To

1. The Licensing Authority,
Regional Transport Office,
Chengalpet.
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G.K.ILANTHIRAIYAN. J.

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