



W.P.No.23854 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.08.2024

CORAM:

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

W.P.No.23854 of 2024

S.Murugasamy

.... Petitioner

Vs

1. The Regional Transport Officer,
Regional Transport Office,
Tiruppur (South),
Veerapandi Pirivu,
Tiruppur – Palladam Road,
Veerapandi,
Tiruppur District.

2. The Inspector of Police,
Avinashipalayam Police Station,
Tiruppur District.

.... 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 petitioner's original driving license bearing No.TN57Z20040001931 to him forthwith.

For Petitioner	: Mr.D.Kalaiselvi
For R1	: Mr.C.Kathiravan Special Government Pleader
For R2	: Mr.A.Gopinath Government Advocate (Crl.Side)

ORDER



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This writ petition has been filed for a direction, directing the first respondent to return the petitioner's original driving license bearing No.TN57Z20040001931 to him forthwith.

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

3. The petitioner was working as a Driver in the private public transport bus i.e., SCP Transport. While being so, on 25.06.2024, the petitioner was driving the bus, he met with an accident and due to which, one person died. On the complaint, FIR has been registered in Crime No.249 of 2024, on the file of the Inspector of Police, Avinashipalayam Police Station, Tiruppur District, for the offences under Sections 279 and 304 (A) of IPC. After seizer of original license from the petitioner, it was sent to the first respondent with recommendation to cancel the petitioner's driving license. The petitioner submitted a representation to return the original driving license, since the criminal case is in FIR stage and no conviction is ordered so far.

4. Admittedly, the criminal case is under investigation and



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no conviction order has been passed as against the petitioner, pursuant to the registration of FIR in Crime No.249 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.

6. Therefore, the impounding order of suspension or cancellation of the petitioner's license can be resorted to only after



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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 any prior notice.

7. In view of the above, the first respondent is directed to return the license vide No.TN57Z20040001931 to the petitioner forthwith.

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

21.08.2024

Internet: Yes
Index : Yes/No
Neutral Citation : Yes/No
Speaking/Non Speaking order
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To
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G.K.ILANTHIRAIYAN. J.



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