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W.P.No.25107 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.08.2024

CORAM:

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

W.P.No.25107 of 2024
and W.M.P.No.27435 of 2024

V.Sathish

... Petitioner

-Vs-

The Regional Transport Officer cum
Licencing Authority,
Karur District Collectorate Office Complex,
Thanthonimalai Road,
Karur – 639 007.

... Respondent

Prayer : Writ Petition filed under Article 226 of Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus, after calling for the records pertaining to the order dated 24.07.2024 issued by the respondent in R.A.No.3051/A1/2024 quash the same and consequently direct the respondent to return the forthwith of the petitioner original licence bearing TN 41 20010004783, without any endorsement, within a specified time as may be fixed by this Hon'ble Court.

For Petitioner	: Mr.V.Ajoy Khose
For Respondent	: Mr.C.Kathiravan Special Government Pleader

ORDER



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This writ petition has been filed challenging the order passed by the respondent dated 24.07.2024, thereby revoked the license of the petitioner for a period from 08.06.2024 to 07.12.2024 as per the powers conferred under Section 19 of the Motor Vehicles Act, 1988.

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

3. The petitioner is a Driver of Tamil Nadu State Transport Corporation (Coimbatore) Ltd.,. While being so, on 08.06.2024, when the petitioner was driving his bus at about 01.00 a.m in the early morning, one aged person, by his two wheeler, crossed the road without noticing the vehicle, which was coming on either side of the road. Therefore, the petitioner hit the two wheeler and the rider of the two wheeler died in the hospital due to the injuries sustained by him during the accident. On the complaint, the Inspector of Police, Thennilai Police Station, Karur District registered an FIR in Crime No.158 of 2024 for the offences under Sections 279 and 304(A) of IPC on 08.06.2024 as against the petitioner. On the same day, the petitioner's license was seized and was sent to the respondent. Thereafter, the petitioner was served with a show cause notice on 14.06.2024 so as to why the respondent cannot take action against his



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driving license under Section 19 of the Motor Vehicles Act, 1988 read with Rule 21 of Central Motor Vehicle Rules, 1989. The petitioner submitted explanation stating that he was not responsible for the accident and the accident had occurred due to the negligence on the part of the deceased person. Without considering the said explanation, the license of the petitioner was revoked for the period from 08.06.2024 to 07.12.2024. Hence, this writ petition.

4. The learned counsel for the petitioner would submit that though the respondent stated the provisions under Section 19 of the Motor Vehicles Act, no specific provisions has been mentioned in the impugned order. That apart, any of the provisions of Section 19 of the Motor Vehicles Act is not applicable to the case of the petitioner, since the petitioner did not use the vehicle for committing any offence. It was an accident. Therefore, any of the provisions under Section 19 of the Motor Vehicles Act is not applicable and the respondent ought not to have revoked the license of the petitioner.

5. On instructions, the learned Special Government Pleader appearing for the respondent submitted that under Section 19(1)(c) of the Motor Vehicles Act, the respondent passed an order, thereby revoked the license of the petitioner for



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a period from 08.06.2014 to 07.12.2024.

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6. A perusal of the provisions 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 subsection (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.

7. As rightly pointed out by the learned counsel for the petitioner, the petitioner, being a Driver of Tamil Nadu State Transport Corporation (Coimbatore) Ltd., met with an accident and thereby, one person died. As per the FIR, while the petitioner was driving his bus, the deceased was coming by his motor vehicle and crossed the road without noticing both the sides. Therefore, the petitioner was unable to stop the bus suddenly and hit the motorcycle. Due to which, the rider of the two wheeler sustained grievous injuries and died.

8. It is relevant to extract the provisions under Section 19(1) of the Motor



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Vehicles Act, 1988 as follows:-

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“19. Power of licensing authority to disqualify from holding a driving licence or revoke such licence . - (1) If a licensing authority is satisfied, after giving the holder of a driving licence an opportunity of being heard, that the – (a) is a habitual criminal or a habitual drunkard ; or

(b) is a habitual addict to any narcotic drug or psychotropic substance within the meaning of the Narcotic Drugs and Psychotropic Substances Act, 1985 ; or

(c) is using or has used a motor vehicle in the commission of a cognizable offence ; or

(d) has by his previous conduct as driver of a motor vehicle shown that his driving is likely to be attended with danger to the public ; or

(e) has obtained any driving licence or a licence to drive a particular class or description of motor vehicle by fraud or misrepresentation ; or

(f) has committed any such act which is likely to cause nuisance or danger to the public, as may be prescribed by the Central Government, having regard to the objects of this Act; or

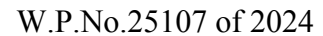
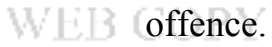
(g) has failed to submit to, or has not passed, the tests referred to in the proviso to sub-section (3) of section 22 ; or

(h) being a person under the age of eighteen years who has been granted a learner's licence or a driving licence with the consent in writing of the person having the care of the holder of the licence and has ceased to be in such care, it may, for reasons to be recorded in writing, make an order –

(i) disqualifying that person for a specified period for holding or obtaining any driving licence to drive all or any classes or descriptions of vehicles specified in the licence ; or

(ii) revoke any such licence. ”

9. Section 19(1)(c) is not at all applicable to the case on hand, since it can be invoked if the license holder had used the motor vehicle in the commission of cognizable offence.



11. In view of the above, the impugned order cannot be sustained and is liable to be quashed. Accordingly, order passed by the respondent in R.A.No.3051/A1/2024 dated 24.07.2024, is hereby quashed. The respondent is directed to issue license bearing TN 41 20010004783 to the petitioner, within a period of two weeks from the date of receipt of a copy of this order.

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Neutral Citation: Yes/No
Speaking/Non Speaking order
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To

The Regional Transport Officer cum
Licencing Authority,
Karur District Collectorate Office Complex,
Thanthonimalai Road,
Karur – 639 007.

G.K.ILANTHIRAIYAN. J.

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