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W.P.No.31574 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.10.2024

CORAM:

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

W.P.No.31574 of 2024

S.Prakash

...Petitioner

-Vs-

1.Inspector of Police,
Malayampalayam Police Station,
Erode District.

2.The Licensing Authority cum-
Regional Transport Officer,
Erode East,
Erode.

... Respondents

Prayer : Writ Petition filed under Article 226 of Constitution of India praying for the issuance of a Writ of Mandamus directing the 2nd respondent herein to return the original driving license (DL No.TN3619970002218) to the petitioner forthwith.

For Petitioner	: Mr.K.Hariharan
For R1	: Mr.R.Kishore Kumar Government Advocate (Crl. Side)
For R2	: Mr.S.Jayachandran Government Advocate.

ORDER

This Writ Petition has been filed for a direction, directing the second respondent to return the original driving license vide DL.No.TN3619970002218 to the petitioner.



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

3. The petitioner is a Driver of Tamil Nadu State Transport Corporation of Coimbatore. While being so, on 20.09.2024, when the petitioner was driving the bus bearing No.TN-33/N-3075, he met with an accident, due to which, a rider of the motor cycle died. Pursuant to the accident, a case has been registered in Crime No.133 of 2024 for the offences under Sections 281 & 125(a) of BNS on the file of the first respondent and it is pending for investigation. After seizer of original license from the petitioner, it was sent to the second respondent with a 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. Since that representation was not considered, he is before this Court with the present writ petition.

4. Admittedly, a case has been registered as against the petitioner for the accident committed by him. Further, the petitioner did not use the license for any illegal activities. On perusal of the provision



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under Section 19(1) of the Motor Vehicles Act, it is clear that the Licensing Authority has no 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 Clause (a) to (h) sub-section (1) of Section 19 arises. Moreover, 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.

5. 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.

6. In view of the above, the second respondent is directed to return the license vide DL.No.TN3619970002218 to the petitioner forthwith.

7. With the above direction, this writ petition stands allowed. No costs.



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Internet: Yes

Index : Yes/No

Speaking/Non Speaking order

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To

1.The Inspector of Police,
Malayampalayam Police Station,
Erode District.

2.The Licensing Authority cum-
Regional Transport Officer,
Erode East,
Erode.

G.K.ILANTHIRAIYAN. J.

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