



W.P.(MD) No.14408 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.07.2024

CORAM:

THE HONOURABLE MR.JUSTICE C.SARAVANAN

**W.P.(MD) No.14408 of 2024
and
W.M.P.(MD)No.12637 of 2024**

S.Sangili Murugan

... Petitioner

Vs.

1.The Regional Transport Officer and Licensing Authority,
O/o.the Licensing Authority,
Transport Department,
Madurai North,
Madurai.

2.The Inspector of Police,
M.Chatrapatti Police Station,
Madurai.
(In Crime No.62 of 2024)

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus to direct the respondent to forthwith return the petitioner's original driving license bearing TN 45 20030026836 to the petitioner.

For petitioner : Mr.A.Rahul

For respondents : Mr.G.Suriyananth

Additional Government Pleader for R1

Mr.A.Albert James

Government Advocate (Crl.Side) for R2



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ORDER

Heard learned counsel for the petitioner, learned Additional Government Pleader for the first respondent and learned Government Advocate (Crl.Side) for the second respondent.

2. This Writ Petition has been filed for directing the respondent to return the petitioner's original driving license bearing TN 45 20030026836 to the petitioner.

3. Both the learned counsel for the petitioner and learned Additional Government Pleader for the first respondent and learned Government Advocate (Crl.Side) for the second respondent have confirmed that the issued no longer *res integra* on the decisions of the Hon'ble Division Bench of this Court in ***P.Sethuraman vs. The Licensing Authority*** reported in (2010) 2 MLJ 778, wherein, the Court has held as under:

“8. A bare reading of Section 19(1) shows that the Licensing Authority has the power to revoke any licence or disqualify a person for a specified period from holding or obtaining a Driving Licence, if any of the contingencies



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prescribed in Clauses (a) to (h) of sub~section (1) of Section 19 arises. Moreover, the power under Section 19(1) can be invoked only after giving an opportunity of being heard to the holder of the licence and for reasons to be recorded in writing.

9. But in the case on hand, the licence of the appellant was impounded or retained by the police immediately after the accident. Thereafter, the respondent issued the show cause notice under Section 19(1) of the Act, after getting a report from the police. Therefore, the impounding of the licence has actually preceded the issue of show cause notice.

10. Apart from the above, there is no allegation, either in the notice or in the order impugned in the Writ Petition, that the appellant is a habitual criminal or habitual drunkard, so as to attract Clause (a) of Section 19(1) of the Act. Similarly, neither the show cause notice nor the order impugned in the Writ Petition, imputes the appellant with any of the ingredients necessary under Clauses (b) to (h) of sub~section (1) of Section 19 of the Act. Except stating that as per the report of the Inspector of Police, the appellant was guilty of rash and negligent driving, the impugned order does not indicate the category in Clauses (a) to (h) of Section 19(1), under which the case of the appellant would fall.

11. The respondent has, in the impugned order, preconcluded the issue that the appellant is guilty of rash and negligent driving, even before the Criminal Court or the Motor Accident Claims Tribunal went into the issue. Even to invoke Section 19(1)(c), it is necessary to show that the Motor Vehicle is used in the commission of a cognizable offence. Without making a specific averment regarding the same, the order suspending the Driving Licence cannot be taken to be passed after due application of mind.”

4. The said decision is recently followed in several cases and one of such



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order has been passed by this Court in ***G.Ravi vs. The Regional Transport Officer, Dindigul and another*** in ***W.P.(MD) No.9525 of 2024 (decided on 17.04.2024)***.

5. Under these circumstance, this Writ Petition is disposed by directing the respondents to return the license to the petitioner with a consequential direction to first respondent to complete the enquiry as expeditiously as possible. Subject to final outcome of the enquiry proceedings, further steps may be taken for ceasing the license of the petitioner.

This Writ Petition stands disposed of, at the time of admission. No costs. Consequently, connected miscellaneous petition is closed.

Index : Yes / No
Internet : Yes / No
apd

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C.SARAVANAN, J.

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