



W.P(MD)No.14867 of 2024

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.07.2024

CORAM :

THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

W.P.(MD)No.14867 of 2024

and

W.M.P.(MD)Nos.13034 and 13035 of 2024

Dhayanidhi

... Petitioner

Vs.

The Regional Transport Officer,
Usilampatti Zone,
Madurai District.

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned notice of the respondent in File No.TN 58 Y/2024/898 dated 18.06.2024 and quash the same and consequently direct the respondent to return the petitioner's driving license bearing No.TN65 1997000/277 by considering the petitioner's representation dated 25.06.2024.

For Petitioner : Mr.T.Veerakumar

For Respondent : Mr.S.Shanmugavel
Additional Government Pleader



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ORDER

The Writ Petition is directed against the impugned show cause notice dated 18.06.2024 and for direction to the respondent to return the writ petitioner's driving license bearing No.TN65 1997000/277 by considering the writ petitioner's representation dated 25.06.2024.

2. Mr.S.Shanmugavel, learned Additional Government Pleader takes notice for the respondent. By consent, this writ petition is taken up for final disposal at the admission stage itself.

3. When the matter is taken up for hearing today, the learned counsel appearing for the writ petitioner would submit that he is restricting his prayer for returning the driving license and not for quashment of the show cause notice.

4. The learned counsel appearing for the writ petitioner would submit that before issuing the show cause notice, license was taken by the police and the same was forwarded to the respondent.



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5. The main contention of the writ petitioner is that before initiating any action, license was forcibly taken from the writ petitioner and seeks return of the same.

6. The learned counsel appearing for the writ petitioner would rely on the decision of this Court in the case of ***G.Kannan Vs. The Regional Transport Officer (RTO) Licensing Authority, Chennai and another*** in ***W.P.No.16417 of 2024 dated 24.06.2024***, wherein, it has been stated that Section 19(1) of the Motor Vehicles Act contemplates that before passing orders of disqualifying a person from holding license or revoking license, the holder of the license has to be given an opportunity of being heard and the licensing authority has to record reasons in writing and that which includes that the holder of the driving license comes within any of the criteria set out in Section 19(1)(a)-(h).

7. As rightly pointed out by the learned counsel appearing for the writ petitioner, in the impugned show cause notice itself, it has been specifically observed that the Enforcement Officer has already forwarded the license of the writ petitioner to take action under Section 19 of the



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Motor Vehicles Act r/w Rule 21 of Central Motor Vehicles Rules.

8. Since the writ petitioner has already received the show cause notice and also submitted his explanation on 25.06.2024, it is for the respondent to consider the explanation and after giving an opportunity of being heard, to pass orders in accordance with Section 19 of the Motor Vehicles Act. But since the license has already been recovered, the writ petitioner is not in a position to retain the same till the license is impounded. Hence, the respondent is directed to return the license to the writ petitioner within a period of 15 days from the date of receipt of a copy of this order and the respondent is at liberty to proceed with the enquiry and pass orders in accordance with Section 19 of the Motor Vehicles Act.

9. With the above directions, this Writ Petition is disposed of. Consequently, connected Miscellaneous Petitions are closed. No costs.

05.07.2024

NCC :Yes/No
Index :Yes/No
Internet : Yes/ No
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To

The Regional Transport Officer,
Usilampatti Zone,
Madurai District.



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K.MURALI SHANKAR, J

csm

Order made in
W.P.(MD)No.14867 of 2024
and
W.M.P.(MD)Nos.13034 and 13035 of 2024

Dated : 05.07.2024