



W.P.(MD) No.15576 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.07.2024

CORAM:

THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P.(MD) No.15576 of 2024

M.Pushparajan

... Petitioner

/vs./

**1.The Regional Transport Officer,
The Regional Transport Office (Central),
Madurai.**

**2.The Inspector of Police,
Silaiman Police Station,
Madurai District.**

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the first respondent to return the driving licence of the petitioner bearing D.L.No.TN 59 19900005494 forthwith.

For Petitioner : Mr.R.R.Arunkumar

**For R1 : Mr.S.P.Maharajan
Special Government Pleader**

**For R2 : Mr.A.Albert James
Government Advocate (Crl.side)**



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ORDER

This writ petition is disposed of at the time of admission after hearing the learned counsel for the petitioner and the learned Special Government Pleader for the first respondent and the learned Government Advocate (Crl.side) for the second respondent, in the light of the decision of the Division Bench of this Court rendered in ***P.Sethuraman Vs. The Licensing Authority*** reported in (2010) 2 ***MLJ*** 778, wherein the Division Bench of this Court 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 prescribed in Clauses (a) to (h) of subsection (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



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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.”

2.This view was followed by this Court in the case of ***P.Mahalingam Vs. The Regional Transport Officer and Licensing Authority and another*** in W.P.(MD).No.5341 of 2022 vide order dated 25.03.2022 and the case of ***G.Ravi Vs. The Regional Transport Officer and other*** in W.P.(MD) No.9525 of 2024 dated 17.04.2024.

3.Under these circumstance, the Writ Petition is disposed by directing the first respondent to return the license to the petitioner with a consequential direction to the 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.



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No costs.

Index : Yes / No
Internet : Yes / No
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C.SARAVANAN, J.

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