



W.P.(MD).No.17278 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.07.2024

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THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P.(MD).No.17278 of 2024

Dhanaraj

... Petitioner

Vs.

**1.The Superintendent of Police,
Office of Superintendent of Police,
Dindigul.**

**2.The Motor Vehicle Inspector,
Batlagundu,
Dindigul District.**

**3.The Inspector of Police,
Batlagundu,
Dindigul District.**

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the 2nd respondent to return the petitioner's forfeited driving licence bearing D.L.No. TN59-19840000374 with the stipulated time fixed by this Court.

For Petitioner : Mr.K.K.Samy

**For R1 &R3 : Mr.A.Albert James
Government Advocate**



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For R2

: Mr.SP.Maharajan
Special Government Pleader

ORDER

The petitioner has filed this writ petition for a Mandamus to direct the respondents to return the petitioner's Driving License bearing D.L.No. TN59-19840000374.

2. The petitioner is an employee of the State Transport Corporation who had caused an accident on 22.06.2024, which had resulted in fatal death of 2 of the 3 persons who were riding a motor cycle bearing Registration No.TN18 U9311. Initially an F.I.R came to be registered against the petitioner in Crime No.278 of 2024 before Batlagundu Police Station, Dindigul District on 22.06.2024 under Sections 279 & 337 of I.P.C. Subsequently, it was altered to Sections 279, 337 & 304 (A) of I.P.C. The case of the petitioner is that the issue is no longer res integra and is covered by the decision of the Hon'ble Division Bench of this Court in ***P.Sethuram Vs. The Licensing Authority, The Regional Transport Officer, Dindigul*** reported in 2010 Writ L.R.100. It is submitted that this view of the Hon'ble Division Bench has been consistently being followed.



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3. On the other hand, the learned Special Government Pleader for the respondents submits that the petitioner was issued with Show Cause No.TN57W/2024/352 on 28.06.2024 and an order has been passed by the Regional Transport Officer on 29.07.2024.

4. By way of rejoinder, the learned counsel for the petitioner would submit that the petitioner has not been neither served with the above mentioned show cause notice dated 28.06.2024 nor order dated 29.07.2024. It is therefore submitted that the aforesaid order that has been passed by the Regional Transport Officer as the licensing authority purportedly under Section 19 (1) (d) & (f) of the Motor Vehicles Act, 1988 read with Rule 21 of Central Motor Vehicles Rules, 1989 suspending the petitioner's driving license for a period between 22.06.2024 to 27.07.2024 (1 month) is unsustainable. The relevant portion of the said Order, dated 29.07.2024 in Show Cause No.TN57W/2024/352 reads as under:

“Therefore, I V.JEYAGOWRI, REGIONAL TRNASPORT OFFICER, RTO, DINDIGUL, as per the powers conferred to undersigned under Section 19(1) (d) & (f) of the Motor Vehicles Act, 1988 read with Rule 21 of Central Motor Vehicles Rules, 1989 hereby



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suspend the Driving Licence of DHANARAJ K for a period of 22-Jun-2024 to 22-Jul-2024 (1 month).”

5. A reading of the above order indicates that the period of suspension of the petitioner's licence has come to an end on 22 July 2024. Therefore, there is no justification for retaining the seized licence after **22.07.2024**. The learned Special Government Pleader for the respondents would submit that the seized license of the petitioner has also been sent back to the petitioner pursuant to Order dated 29.07.2024 passed by the Regional Transport Officer. Therefore, the respondents are directed to return the driving licence of the petitioner forthwith, if it has not been already returned pursuant to Order dated 29.07.2024 of the Regional Transport Officer.

6. This Writ Petition stands disposed of with the above observations. No costs.

29.07.2024

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

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- To
- 1.The Superintendent of Police,
Office of Superintendent of Police,
Dindigul.
 - 2.The Motor Vehicle Inspector,
Batlagundu,
Dindigul District.
 - 3.The Inspector of Police,
Batlagundu,
Dindigul District.



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C.SARAVANAN, J.

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