

**Sivakumar Vs. the Licensing Authority,**

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**SooperKanoon Citation :** [sooperkanoon.com/964435](http://sooperkanoon.com/964435)

**Court :** Chennai

**Decided On :** Apr-23-2013

**Judge :** D.Hariparanthaman

**Appellant :** Sivakumar

**Respondent :** The Licensing Authority,

**Judgement :**

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT DATED:

23. 04/2013 CORAM THE HONOURABLE MR.JUSTICE D.HARIPARANTHAMAN  
W.P.(MD).No.6867 of 2013 Sivakumar .. Petitioner Vs. The Licensing Authority,  
The Regional Transport Officer, The Regional Transport Office, (South), Madurai.  
.. Respondent Prayer Writ Petition is filed under Article 226 of the Constitution of  
India to issue a Writ of Mandamus directing the Respondent to return the  
petitioner's Driving License not TN.59-19890003417 within a day fixed by this  
Court pending disposal of the case in Crime No.30 of 2013, Usilmpatti Police  
Station, Madurai District. !For Petitioner ... Mr.A.Shajahan ^For Respondents...  
Mr.S.Sadesh Kumar AGP :ORDER The petitioner is working as a Driver in the  
Tamil Nadu State Transport Corporation (Madurai) Limited from 1994. He is  
working at Usilampatti Depot of the Corporation (Madurai). On 09.02.2013, he was  
working in the bus bearing registration not TN.58 N.1197, which is running  
between Theni and Madurai. The bus involved in an accident with the Tractor-  
cum-trailor. A passenger travelling in the bus died due to the accident. A criminal  
case was registered in Cr.No.30 of 2013 on the file of Usilmpatti Taluk Police

Station for the offences under Sections 279, 337 and 304(A) IPC. The police seized the driving license of the petitioner and the same was handed over to the respondents on 11.02.2013.

2. While so, the respondent issued a show cause notice dated 18.02.2013 under Section 19(1)(c) of the Motor Vehicles Act directing the petitioner to show cause as to why the license of the petitioner shall not be cancelled. The petitioner gave explanation dated 06.03.2013 that he was not responsible for the accident. In any event, he requested not to take any further action. In these circumstances, he has filed this writ petition seeking a direction to return the driving license.

3. Heard both sides.

4. Admittedly, the criminal case is not yet over. Driving license has been under the possession of the respondent from 11.02.2013. For more than 2 + half months, he has been keeping the license. It virtually amounts to suspension of license.

5. In these circumstances, the writ petition is disposed of directing the respondent to pass final orders on the show cause notice dated 18.02.2013 in the light of the explanation dated 06.03.2013 submitted by the petitioner, and also taking note of the judgement of this Court reported in 2011 (1) CTC 71.(S.Palanikumar v. The Regional Transport Officer), within a period two weeks from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petition is closed. jkr To The Licensing Authority, The Regional Transport Officer, The Regional Transport Office, (South), Madurai.

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