

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.12.2017

CORAM

THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU

Writ Petition No.31232 of 2017
and
WMP.Nos.34288 & 34289 of 2017

R.Marudachalam
S/o.Ramachandra Chetty

.. Petitioner

Vs.

1.The Regional Transport Officer (Licensing Authority)

Regional Transport Office
Mathigiri, Hosur - 635 110.

2.The Inspector of Police
Traffic Investigation Wing,
Hosur.

... Respondents

Writ petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus, calling for the records of the 1st respondent by proceedings in Ref.No.55260-E3-2017 dated Nil.10.2017 and quash the same and consequently, direct the 1st respondent to forthwith return the petitioner's original Driving Licence bearing No.TN 37 19840004328.

For Petitioner : Mr.P.Saravanan Sowmiyan

For Respondents : Mr.R.Govindasamy

Special Government Pleader

O R D E R

Mr.R.Govindasamy, learned Special Government Pleader takes notice for the respondents.

2. The petitioner seeks for a direction to the 1st respondent to return the petitioner's original Driving License bearing No.TN 37 19840004328.

3. Heard both sides.

4. It is stated that the petitioner was travelling from Hosur to Bangalore in his Tata Zest Car bearing Registration No.TN 66 S 2484. It is also stated that the petitioner's driving licence was seized by the second respondent on 27.09.2017, in pursuant to an accident taken place on 26.09.2017 and followed by the registration of FIR in Crime No.218 of 2017 under Sections 279 & 338 of IPC. Now the petitioner seeks for return of the driving licence by contending that the first respondent is not entitled to seize and retain the driving licence, simply because a criminal case is filed against the petitioner and the same is pending.

5. Though this writ petition is filed challenging the show cause notice dated Nil.10.2017, calling upon the petitioner to explain as to why the driving licence shall not be cancelled for committing an accident and also with an interim relief for return of the driving licence, this Court is not inclined to interfere with the impugned show cause notice, as it is for the petitioner to give explanation to the same. However, as it is stated that the petitioner's driving licence was impounded by the respondents, and in view of the several orders passed by this Court, arising out of such issue, this Court is inclined to dispose of the writ petition only with a direction to the respondents to return the original driving licence to the petitioner forthwith, however with liberty to proceed against the petitioner in accordance with law.

6. Accordingly, this writ petition is allowed and the respondents are directed to return the original driving licence to the petitioner immediately on receipt of a copy of this order. It is open to the petitioner to give explanation to the show cause notice within a period of two weeks from the date of receipt of a copy of this order. On receipt of such explanation, it is for the first respondent to consider the same and pass orders on its own merits and in accordance with law, within a period of four weeks thereafter. However, it shall not preclude the respondents from taking any action, if any of the contingencies specified in Clauses (a) to (h) of Section 19(1) of the Motor Vehicles Act or if any of the Rules as prescribed by the Central Government in pursuance of Section 19(1)(f) of the Act, are violated. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar

//True copy//

Sub Assistant Registrar

mk

To

1.The Regional Transport Officer (Licensing Authority)

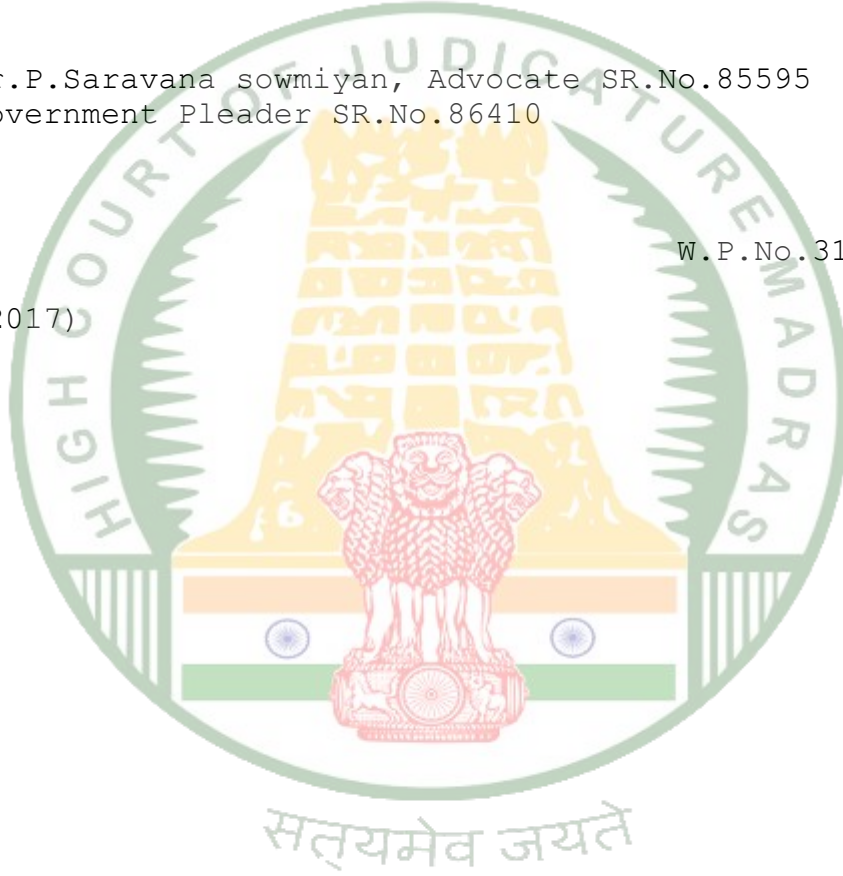
Regional Transport Office
Mathigiri, Hosur - 635 110.

2.The Inspector of Police
Traffic Investigation Wing,
Hosur.

+1cc to Mr.P.Saravana sowmiyan, Advocate SR.No.85595
+1cc to Government Pleader SR.No.86410

W.P.No.31232 of 2017

GN(22/12/2017)



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