

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 24.09.2018
CORAM:
THE HON'BLE MR.JUSTICE V.BHARATHIDASAN
W.P. No. 20110 of 2018

R.Elumalai

... Petitioner

Vs.

1.The Transport Commissioner,
Chepauk,
Chennai-600 005.

2.The Regional Transport Officer,
O/o. Regional Transport office,
Villupuram,
Villupuram District,

3.The Branch Manager,
Tamil Nadu Transport Corporation (villupuram) Limited,
Villupuram Region,
Villupuram District.

.... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India, praying to issue a writ of MANDAMUS directing the respondent 1 and 2 to return the petitioner's Original driving license in D.L. TN-3119 9600 02112 enable him to join duty and continue his service under the 3rd respondent.

For Petitioner : Mr.R.Kumaravel

For Respondents : Mr. A.N.Thambidurai,
Spl. G.P.

O R D E R

This writ petition has been filed seeking direction to the respondents 1 and 2 to return the original Driving Licence to the petitioner.

2. According to the petitioner, he is a driver in Tamil Nadu State Transport Corporation, Villupuram Division and the bus driven by him was met with an accident on 13.06.2018. Based on that, a criminal case was registered against him in Cr.No.356/2018. Thereafter, Inspector of Police, Vikravandi Police Station, Villupuram, seized his licence and produced the same before the second respondent/Regional Transport Officer for taking action under section 19 of the Motor Vehicle Act. But, so far no action has been taken by the respondents. Hence, the present writ petition is filed.

3. The respondents filed a counter affidavit stating that already an enquiry has been initiated under section 19(1) of the Act and a show cause notice was issued to the petitioner, which was received by him on 18.07.2018 and so far, the petitioner did not file his objection. In such circumstances, the second respondent is not in a position to proceed with the enquiry.

4. I have heard the rival submissions and perused the materials available on records.

5. Considering the fact that as already enquiry has been initiated under section 19(1) of the Act and show cause notice was also issued to the petitioner, the petitioner is directed to appear before the second respondent on 03.10.2018 and file his objection. On receipt of the same, the second respondent is directed to consider the petitioner's objection and pass a final reasoned order on merits and in accordance with law on or before 10.10.2018. Until the final order is passed in the proceedings, the second respondent has no power to withhold the licence. In the said circumstances, the second respondent is directed to return the Licence to the petitioner subject to the result of the enquiry proceedings.

6. With the above directions, this Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar (CS-V)

//True Copy//

Sub Assistant Registrar

सत्यमेव जयते

mrp

To

1.The Transport Commissioner,
Chepauk,
Chennai-600 005.

2.The Regional Transport Officer,
O/o. Regional Transport office,
Villupuram,
Villupuram District.

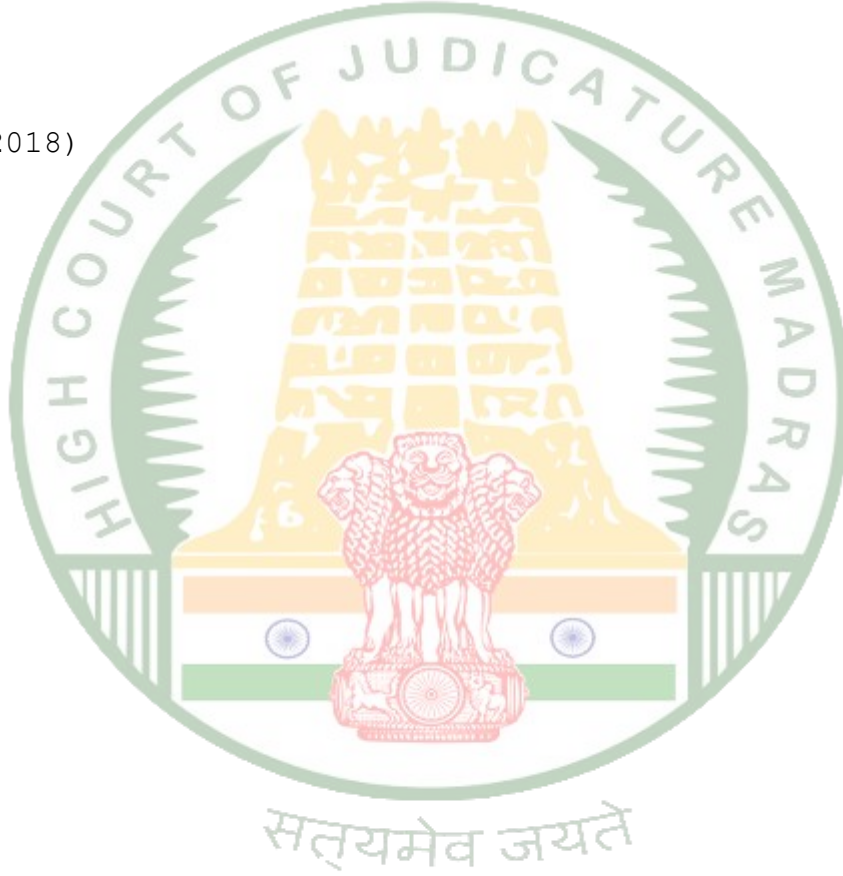
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3.The Branch Manager,
Tamil Nadu Transport Corporation (villupuram) Limited,
Villupuram Region,
Villupuram District.

+1cc to Mr.R.Kumaravel, Advocate, S.R.No. 65902
+1cc to the Government Pleader, S.R.No. 66282

W.P. No. 20110 of 2018

KAN(CO)
GN(25/09/2018)



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