

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 30.08.2018
CORAM
THE HONOURABLE Mr.JUSTICE V.BHARATHIDASAN

W.P.No. 20725 of 2018
and
W.M.P. 24351 of 2018

A.Narayanamoorthy

... Petitioner

Vs

- 1.The Licensing Authority/
Regional Transport Officer
Office of the Regional Transport Authority,
District Collector Greater Project Compound,
Vellore Road, Vengikkal Village,
Thiruvannamalai
- 2.The Motor Vehicle Inspector,
Vellore Road, Sevur Village,
Arani, Thiruvannamalai District
- 3.The Motor Vehicle Inspector,
Arani Cross Road, Cheyyar-604 407 ... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India, praying to issue Writ of Mandamus, directing the respondents to return forthwith the petitioner original driving licence bearing No. TN 25Z20000002118, without any endorsement.

For Petitioner :Mr.R.Krishnaswamy

For Respondents :Mr.M.Jothikumar
Additional Government pleader

O R D E R

This writ petition has been filed seeking direction to the first respondent to return the original Driving Licence to the petitioner.

2. According to the petitioner, he is a driver in State Transport Corporation, Cheyyar and the bus driven by him was met with an accident on 17.06.2018. Based on that, a criminal case was registered against him by the Inspector of Police Cheyyar in Cr.No.549/2018. Thereafter, the Inspector of Police seized his licence and produced the same before the first

respondent/Regional Transport Officer under section 19 of the Motor Vehicle Act. But, so far no action has been taken by the first respondent and the first respondent/Regional Transport Office is holding the licence with them. Hence, the present writ petition is filed.

3. Today, when the matter is taken up for the hearing, the learned Additional Government Pleader, appearing for the respondents submitted that already an enquiry has been initiated under section 19(1) of the Act and show cause notice is not yet given to the petitioner.

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

5. Considering the fact that though enquiry has been initiated under section 19(1) of the Act, show cause notice is not yet given to the petitioner, the first respondent is directed to issue show cause notice to the petitioner within a period of one week from the date of receipt of a copy of this order and the petitioner is directed to submit his objection, before the first respondent, within a period of two weeks thereafter. On receipt of the same, the first respondent is directed to conduct enquiry and pass a final reasoned order on merits and in accordance with law within a period of four weeks, thereafter. Until the final order is passed in the proceedings, the first respondent has no power to withhold the licence. In the said circumstances, the first 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. Consequently connected miscellaneous petition is closed.

Sd/-

Deputy Registrar

//True Copy//

Sub Assistant Registrar

mrp/rst

To

1.The Licensing Authority/
Regional Transport Officer
Office of the Regional Transport Authority,
District Collector Greater Project Compound,
Vellore Road, Vengikkal Village,
Thiruvannamalai

2.The Motor Vehicle Inspector,
Vellore Road, Sevur Village,
Arani, Thiruvannamalai District

3.The Motor Vehicle Inspector,
Arani Cross Road, Cheyyar-604 407

+lcc to Government Pleader SR.NO.60108

sm:27.9.2018



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