

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 28.08.2018
CORAM
THE HONOURABLE Mr.JUSTICE V.BHARATHIDASAN

W.P.No. 20765 of 2018

S.Palani

... Petitioner

Vs

1.The Inspector of Police,
Traffic Investigating Wing,
G-4 Cheyyur Police Station
Kancheepuram District

2.The Licencing Authority-cum-
Motor Vehicle Inspector
Unit Office Maduranthangam
Chengalpattu District

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India, praying to issue Writ of Mandamus directing the second respondent herein to return the Original Driving Licence (DL. No.TN 31 1990 0004754) to the petitioner.

For Petitioner : Mr.K.Hariharan

For Respondents : Mr.A.N.Thambidurai
Special Government Pleader

O R D E R

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

2. According to the petitioner, he is a driver in Tamilnadu State Transport Corporation, Villupuram and the bus driven by him was met with an accident on 04.06.2018. Based on that, a criminal case was registered against him in Cr.No.124/2018. Thereafter, the first respondent/Inspector of Police seized his licence and produced the same before the second respondent under section 19 of the Motor Vehicle Act. The second respondent without initiating any proceedings under Section 19(1) of the Motor Vehicles Act 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 Special Government Pleader, appearing for the respondents submitted that already an enquiry has been initiated under section 19(1) of the Act and a show cause notice was also issued to the petitioner. But, so far the petitioner did not file his objection and hence, enquiry is pending.

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 submit his objection, before the second respondent, within a period of two weeks from the date of receipt of a copy of this order. On receipt of the same, the second 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. In the Meantime, the second respondent is directed to return the Licence to the petitioner subject to the result of the enquiry.

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

Sd/-

Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

mrp/rst

To

1.The Inspector of Police,
Traffic Investigating Wing,
G-4 Cheyyur Police Station
Kancheepuram District

2.The Licencing Authority-cum-
Motor Vehicle Inspector
Unit Office Maduranthangam
Chengalpattu District

+1cc to Mr.K.Hariharan, Advocate, S.R.No.58791.

+1cc to the Government Pleader, S.R.No. 59316.

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VG II(CO)

rrs 12/09/2018