

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.08.2018

CORAM

THE HONOURABLE Mr.JUSTICE V.BHARATHIDASAN

W.P.No. 20767 of 2018

A.Settu

... Petitioner

Vs

1. Inspector of Police
Traffic Investigating Wing
Sipcot Police Station
Hosur Taluk, Krishnagiri District

2. The Licencing Authority-cum-
Regional Transport Officer
Hosur, Krishnagiri District.

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India, praying to issue Writ of Mandamus directing the second respondent to return the original Driving Licence bearing (DL.No. TN01-1992 20006440) 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 of KPN Travels, Salem and the bus driven by him was met with an accident on 26.06.2018. Based on that, a criminal case was registered, by the first respondent police, against him. Thereafter, the first respondent/Inspector of Police seized his licence and produced the same before the second

respondent/Regional Transport Office under section 19 of the Motor Vehicle Act. But, so far no action has been taken by the second respondent and the second 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 Special Government Pleader, appearing for the second respondent 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. 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-IX)

//True copy//

Sub Assistant Registrar

mrp/rst

To

1. Inspector of Police
Traffic Investigating Wing
Sipcot Police Station
Hosur Taluk, Krishnagiri District

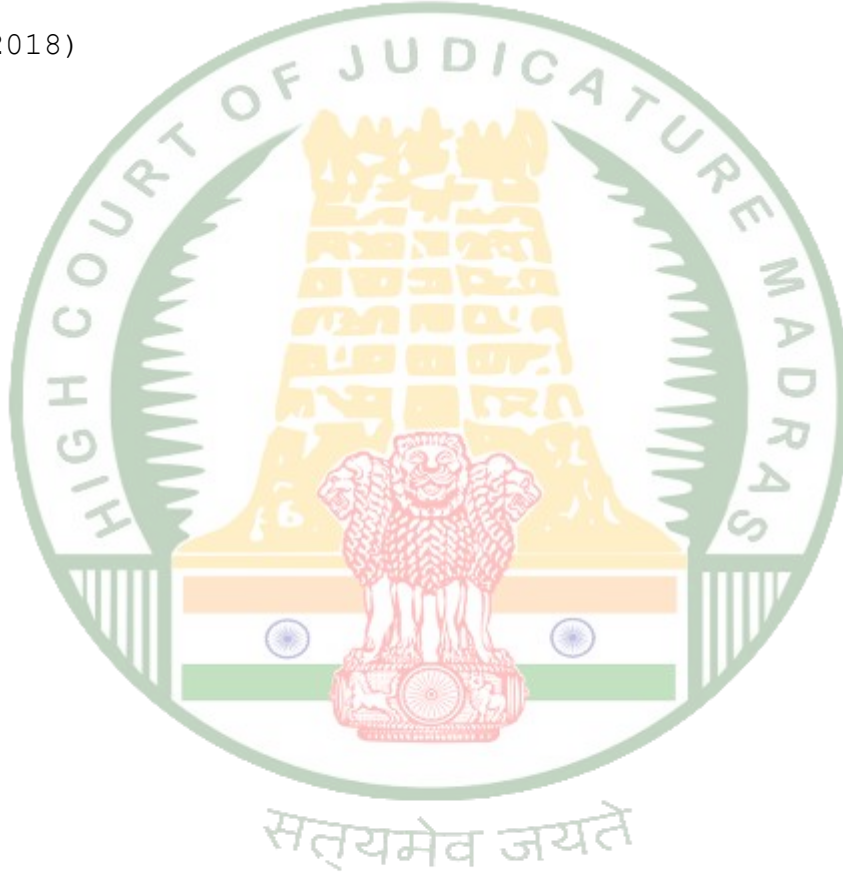
2.The Licencing Authority-cum-
Regional Transport Officer
Hosur, Krishnagiri District.

+1cc to Mr.K. Hariharan, Advocate SR.No.5945

+1cc to Government Pleader SR.No.60160

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GM(04/09/2018)



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