

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.09.2018

CORAM

THE HONOURABLE Mr.JUSTICE V.BHARATHIDASAN

W.P. 9506 of 2018

N.Venkatarajan

... Petitioner

Vs

1. The State of Tamil Nadu,
rep. by Transport Commissioner,
Chepauk, Chennai-600 005.
 2. The Licensing Authority,
Regional Transport Officer,
Regional Transport Office,
Dr. Balasundaram Road,
Coimbatore-18.
 3. The Inspector of Police,
TIW-West, Coimbatore City,
Coimbatore District.
 4. The General Manager,
Tamil Nadu State Transport
Corporation,
Coimbatore Region,
Ukkadam-I, Coimbatore.
- ... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of MANDAMUS, directing the 2nd respondent herein to return the petitioner's driving license in D.L. No.TN.41 19910001753 enabling him to join and continue his service in the fourth respondent transport corporation.

For Petitioner : Mr.J.Stalin
For Respondents : Mr.A.N.Thambidurai,
Special Government Pleader
for Respondents 1 to 3
Mr.P.Kannankumar,
Standing Counsel for R-4

O R D E R

This writ petition has been filed to return the petitioner's original Driving license.

2. According to the petitioner, he is a driver in private transport company and on 20.03.2018, the bus driven by him was met with an accident. Based on that, a criminal case was

registered on 22.03.2018 against him in Cr.No.94/2018. Thereafter, the 3rd respondent has handed over his license to the 2nd respondent for suspension of the license and without taking any action under section 19(1) of the Motor Vehicle Act, the 2nd respondent is keeping the licence with them. Hence, 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 1 to 3 submitted that already a show cause notice was issued to the petitioner under section 19(1) of the Motor Vehicle Act on 27.03.2018 and the petitioner has also submitted his reply to the show cause notice on 27.04.2018 requesting the 2nd respondent to return his license.

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

5. Considering the fact that now the proceeding has been initiated under section 19(1) of the Act and show cause notice was also issued to the petitioner. The petitioner has also submitted his reply to the show cause notice. In the above circumstances, the 2nd respondent is directed to pass detail order by giving reasons on merits and in accordance with law after giving reasonable opportunity to the petitioner within a period of four weeks from the date of receipt of the copy of this order. Since the 2nd respondent has no power to withhold the license pending proceedings, the 2nd respondent is directed to return the license to the petitioner subject to the result of the proceedings.

6. With the above direction, the Writ Petition stands disposed of. No costs.

Sd/--

Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

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To

1. The State of Tamil Nadu,
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Chepauk, Chennai-600 005.

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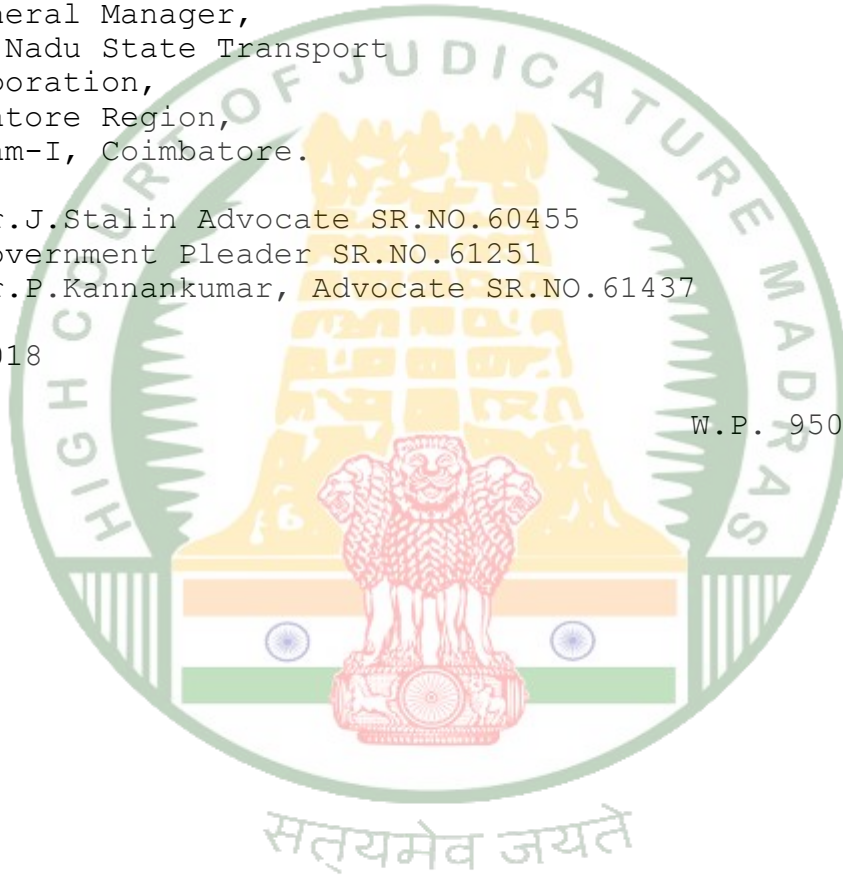
+1cc to Mr.J.Stalin Advocate SR.NO.60455

+1cc to Government Pleader SR.NO.61251

+1cc to Mr.P.Kannankumar, Advocate SR.NO.61437

sm:25.9.2018

W.P. 9506 of 2018



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