

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.08.2018

CORAM

THE HONOURABLE Mr.JUSTICE V.BHARATHIDASAN

W.P.No. 20770 of 2018

D.Daruman

... Petitioner

Vs

1.The Inspector of Police,
Traffic Investigating Wing
H-3, Maraimalai nagar Police Station
Kancheepuram District

2.The Licencing Authority-cum-
Regional Transport Officer
Chengalpattu,
Kancheepuram District

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India, praying to issue Writ of Mandamus to direct the 2nd respondent herein to return Original Driving Licence (D.L.No.TN-21 X 19970002320) 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 met with an accident on 05.07.2018. Based on that, a criminal case was registered against him under Sections 279 and 304-A of IPC. 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, without taking any action, 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 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 proceedings.

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

Sd/-

सत्यमेव जयते
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

mrp/rst

Note : Issue order copy on 06.09.2018+
To

1.The Inspector of Police,
Traffic Investigating Wing
H-3, Maraimalai nagar Police Station
Kancheepuram District

2.The Licencing Authority-cum-
Regional Transport Officer
Chengalpattu, Kancheepuram District.

+1cc to Mr.K.Hariharan, Advocate SR.NO.58785
+1cc to Government Pleader SR.NO.59348

RSI (CO)
sm:6.9.2018

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