

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.08.2018
CORAM

THE HONOURABLE Mr.JUSTICE V.BHARATHIDASAN

W.P.No. 21209 of 2018

V.Yuvaraj

... Petitioner

Vs

The Regional Transport Officer
Licensing Authority,
Office of the Regional Transport Authority,
337, Vellakinar road,
Thudiyalur, Coimbatore- 641 034. ... Respondent

PRAYER : Petition filed under Article 226 of the Constitution of India, praying to issue appropriate Writs, orders or Directions and in particular issue a Writ of MANDAMUS directing the respondent to return forthwith the petitioner original driving license bearing No.TN6620100009218, without any endorsement and within a specified time.

For Petitioner : Mr.V.Ajoy Khose and
M.K.Arunkaran

For Respondent : Mr.A.N.Thambidurai,
Special Government Pleader

ORDER

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

2. According to the petitioner, he is a driver in private transport company and on 30.05.2018, the bus driven by him was met with an accident. Based on that, a criminal case was registered against him in Cr.No.167/2018. Thereafter, his license was seized by the respondent and without taking any action under section 19(1) of the Motor Vehicle Act, the 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 respondent submitted that already a show cause notice was issued to the petitioner under section 19(1) of the Motor

Vehicle Act on 21.08.2018 and after receipt of the objection from the petitioner, the authorities will pass an appropriate order.

4. I have heard 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 is directed to give reply to the show cause notice. Since no order has been passed under section 19(1) of the Motor Vehicle Act, the authorities cannot seize the licence till final order has been passed.

6. In the above circumstances, pending proceedings, the first respondent is directed to return the licence of the petitioner. The first respondent is also given liberty to proceed with the enquiry and pass suitable orders on merits.

Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

To

The Regional Transport Officer
Licensing Authority,
Office of the Regional Transport Authority,
337, Vellakinar road,
Thudiyalur, Coimbatore- 641 034.

+1cc to Mr.V.Ajoy Khouse, Advocate, S.R.No.57499

+1cc to Mr.P.Thangavel, Advocate, S.R.No.58400

W.P.No. 21209 of 2018

GSP(27/08/2018)

WEB COPY