

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.08.2018

CORAM

THE HONOURABLE Mr.JUSTICE V.BHARATHIDASAN

W.P.No. 21239 of 2018

A.Rajendiran

... Petitioner

Vs

1.Inspector of Police,
Traffic Investigating Wing,
Roshanai Police Station,
Villupuram District.

2.The Licensing Authority-cum-
Regional Transport Officer,
Tindivanam, Villupuram District.

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus directing the 2nd respondent to return the original driving license (DL No.TN32 Y 19980001268) to the petitioner forthwith.

For Petitioner :Mr.K.Hariharan

For Respondents :M/S.K.BHUVANESHWARI
Additional Government Pleader

O R D E R

This writ petition has been filed to return the original driving licence of the petitioner.

2. According to the petitioner, he is a driver of Tamilnadu State Transport Corporation, Villupuram. On 31.07.2018, the bus driven by him was met with an accident. Based on that, a criminal case was registered against him in Cr.No.255/2018. Thereafter, his license was seized by the second respondent and without taking any action under Section 19(1) of the Motor Vehicle Act, the second respondent is keeping 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 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 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 under Section 19(1) of the Act, the first respondent is directed to return the licence of the petitioner. The first respondent is at liberty to proceed with the enquiry and pass suitable orders on merits.

7. This Writ Petition is ordered accordingly. No costs.

Sd/-/-

Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

mrp/rst

To

1. Inspector of Police, सतयमेव जयते
Traffic Investigating Wing,
Roshanai Police Station,
Villupuram District.

2. The Licensing Authority-cum-
Regional Transport Officer,
Tindivanam, Villupuram District.

+1cc to Mr. , Advocate SR.No.57722

+1cc to GOVERNMENT PLEADER SR.NO. 58420

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BR(CO)

ASK(06/09/2018)