

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.09.2018

CORAM

THE HONOURABLE Mr.JUSTICE V.BHARATHIDASAN

W.P. 21958 of 2018

R.Sridharan

... Petitioner

Vs

1. The inspector of Police,
Traffic Investigating Wing,
Sathyamangalam Police Station,
Erode District.
2. The Assistant Licensing Authority-cum-
Motor Vehicle Inspector,
Unit Office, Sathyamangalam
Erode District.

... 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 original driving license (DL.No.TN43 20020001793) to the petitioner forthwith.

For Petitioner : Mr.K.Hariharan
For Respondents : Mrs.K.Bhuvaneswari,
Addl. Government Pleader

सत्यमेव जयते
O R D E R

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 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.373/2018. Thereafter, his license was seized by the 1st respondent and handed over with the 2nd respondent recommending to take action on his license and the 2nd respondent is keeping the license with them without taking any action under section 19 (1) of the Motor Vehicle Act. 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 the report was received by the respondents on 27.08.2018 and already a show cause notice was issued to the petitioner under section 19(1) of the Motor Vehicle Act on 31.08.2018 and after receipt of the objection from the petitioner, the authorities will pass an appropriate order.

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 is directed to submit his reply to the show cause notice within a period of two weeks. Thereafter, 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, the 2nd respondent is directed to return the license subject to the result of the proceedings.

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

Sd/-

Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

rpp
To

1. The inspector of Police,
Traffic Investigating Wing,
Avalur Police Station,
Vellore District.
2. The Licensing Authority-cum-
Regional Transport Officer,
Ranipet, Vellore District.

+1 CC TO GOVERNMENT PLEADER SR.NO. 61249

+1cc to Mr.K.Hariharan , Advocate SR.No.60529

W.P. 21958 of 2018

rsv(co)
ASK(12/09/2018)