

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.09.2018

CORAM

THE HON'BLE MR. JUSTICE V. BHARATHIDASAN

W.P.No.22392 of 2018

P.Nataraj

...Petitioner

Vs.

1. Inspector of Police
Traffic Investigating Wing (West)
Coimbatore City Police Station,
Coimbatore West,
Coimbatore City.

2. The Licensing Authority cum
Regional Transport Officer
Coimbatore Central
Coimbatore.

... Respondents

Prayer:- Petition filed under Article 226 of the Constitution of India praying to issue a writ of mandamus directing the second respondent to return the original Driving License (DL.No.TN37 1993 0006764) to the petitioner forthwith.

For Petitioner : Mr.K.Hariharan

For Respondents : Mrs.Ramya Revathy
Government Advocate

O R D E R

The prayer in the writ petition is for issuance of a writ of mandamus directing the second respondent to return the original Driving License (DL.No.TN37 1993 0006764) to the petitioner forthwith.

2. The petitioner is a bus driver in the Tamil Nadu State Transport Corporation, Coimbatore. On 16.08.2018 while he was on duty an accident occurred and a criminal case was registered against him, based on that his licence was seized by the first respondent and it has been produced before the second respondent for taking action under Section 19 of the Motor Vehicle Act (MV

Act). Even though the licence was produced to the second respondent on 21.08.2018, so far no action has been initiated under Section 19 of the said Act and has no power to withhold the licence. The petitioner has now come forward with the present writ petition to seek direction to return the licence.

3. The learned Government Advocate on instructions submitted that proceedings have been initiated against the petitioner under Section 19 of the MV Act and a show cause notice has been issued to the petitioner on 10.09.2018 and enquiry is fixed on 25.09.2018.

4. Heard the learned counsel for the petitioner and the learned Government Advocate for the respondents.

5. Considering the facts and circumstances, the petitioner is directed to appear before the second respondent on 25.09.2018 for enquiry and submit his objections for the show cause notice. The second respondent is directed to consider the petitioner's representation dated 21.08.2018 as well as the objections submitted before the enquiry and pass suitable reasoned orders on merits and in accordance with law within a period of two weeks thereafter. In the meantime due to pending proceedings the second respondent has no power to withhold the driving licence of the petitioner and thereafter the second respondent is directed to return the license to the petitioner which is subject to the outcome of the pending proceedings. With the above direction, the writ petition is disposed of. No costs.

Sd/-

Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

dpq

1. The Inspector of Police
Traffic Investigating Wing (West)
Coimbatore City Police Station,
Coimbatore West, Coimbatore City.

2. The Licensing Authority cum
Regional Transport Officer
Coimbatore Central Coimbatore.

+lcc to Mr.K.Hariharan, Advocate, S.R.No.63917

+lcc to the Government Pleader, S.R.No.63803

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