

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 12..09..2018
CORAM

THE HON'BLE MR.JUSTICE V.BHARATHIDASAN

Writ Petition No.23244 of 2018

S.Krishnan

... Petitioner

-Versus-

1.The Inspector of Police,
Traffic Investigating Wing,
Maraimalai Nagar Police Station,
Kancheepuram District.

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

... Respondents

Writ 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 licence (DL NO. TN76 2005 0004687) to the petitioner forthwith.

For Petitioner : Mr.K.Hariharan

For Respondents : Mrs.S.Ramya Revathy,
Government Advocate
for R1 and R2

ORDER

This writ petition has been filed seeking a direction to the 2nd respondent to return the original Driving Licence of the petitioner.

2. According to the petitioner, he is working as a driver in Tamil Nadu State Transport Corporation. While he was on duty, on 01.08.2018, the bus, which was driven by him, met with an accident. Pursuant to a complaint, a criminal case has been registered against him in Crime No.434 of 2018 by the 1st respondent for alleged offences u/s. 279 and 304-A of IPC. Thereafter, pending investigation, the 2nd respondent/Inspector of Police seized the licence of the petitioner and produced the same before the 2nd respondent/Regional Transport Office for

initiating action under section 19 of the Motor Vehicles Act. But, so far no action no order has been passed and the 2nd respondent is withholding the licence with him without any basis. Hence, the present writ petition.

3. On 07.09.2018, notice was ordered to the respondents. Today, when the matter is taken up for the hearing, the learned Government Advocate appearing for the respondents submitted that the 2nd respondent has already initiated an enquiry as contemplated under section 19(1) of the Act and a show cause notice has also been issued to the petitioner. But, so far the petitioner did not file his objection and hence, enquiry is pending. Once the petitioner filed his objections to the show cause notice, final orders will be passed after due enquiry.

4. I have heard the rival submissions and perused the materials available on records.

5. Considering the fact that the 2nd respondent has already initiated enquiry proceedings under section 19(1) of the Act and a show cause notice has also been issued to the petitioner, the petitioner is directed to submit his objections to the 2nd respondent within a period of two weeks from the date of receipt of a copy of this order. On receipt of such objection, the 2nd respondent is directed to conduct an enquiry and pass a reasoned final order on merits and in accordance with law within a period of four weeks thereafter. The 2nd respondent is directed to return the driving licence to the petitioner forthwith and the petitioner shall surrender the same to the 2nd respondent subject to the outcome of the order to be passed Act by the 2nd respondent as provided under Section 19(1) of the Motor Vehicles.

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

सत्यमेव जयते
Sd/-

Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

To

1.The Inspector of Police,
Traffic Investigating Wing,
Maraimalai Nagar Police Station,
Kancheepuram District.

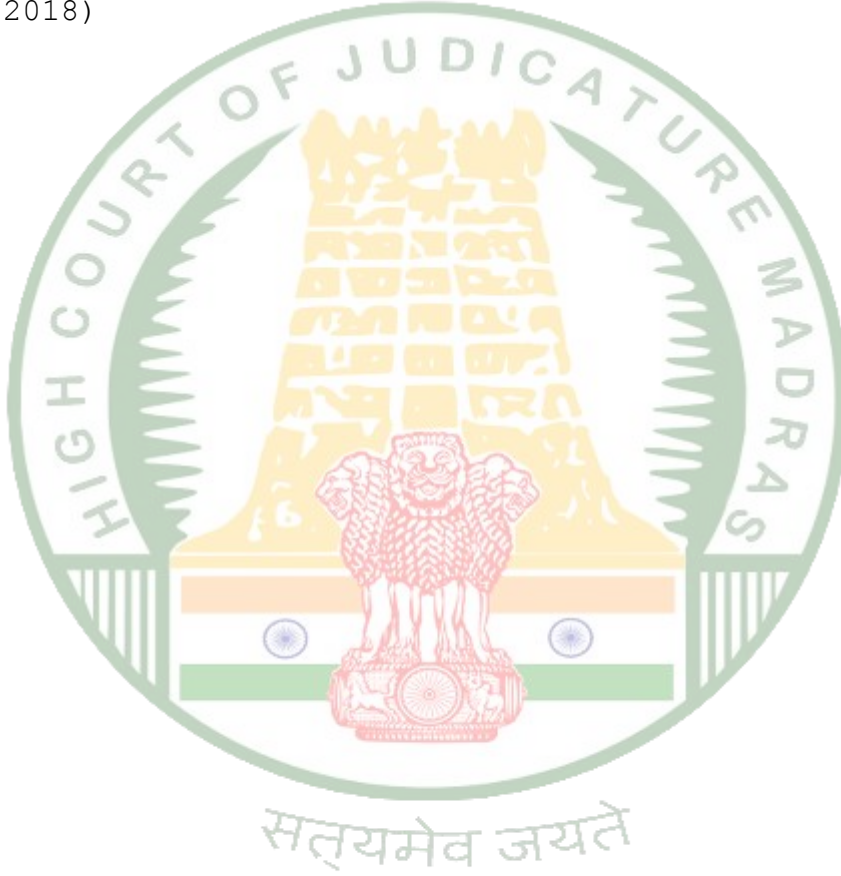
2.The Licensing Authority cum
Regional Transport Officer,
Chengalpattu,
Kancheepuram District.

+1cc to Mr.K.Hariharan, Advocate, S.R.No.63916

+1cc to the Government Pleader, S.R.No.63804

W.P.No.23244 of 2018

GSP (14/09/2018)



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