

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.09.2018

CORAM

THE HONOURABLE Mr.JUSTICE V.BHARATHIDASAN

W.P.No. 23773 of 2018

A.Raja

... Petitioner

Vs

1. The Regional Transport Officer,
Krishnagiri,
Krishnagiri District.
2. The Inspector of Police,
Kovaipattinam Police Station,
Krishnagiri District.
3. The Branch manager,
The Tamil Nadu State Transport
Corporation (Salem) Ltd.,
Palacode Branch,
Dharmapuri District.

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India, praying to issue Writ of Mandamus directing the first respondent herein to return the petitioner's Driving Licence by considering the petitioner's representation dated 18.07.2018.

For Petitioner : Mr.M. Selvam

For Respondents : Mrs.K.Bhuveshwari
Additional Government Pleader
for R1 and R2

WEB : Mr.P.Kannan Kumar,
Standing Counsel,
for R3
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O R D E R

This writ petition has been filed seeking direction to the first respondent to return the original Driving Licence to the petitioner.

2. According to the petitioner, he is a driver in State Transport Corporation, Salem and the bus driven by him was met with an accident on 10.05.2018. Based on that, a criminal case was registered against him by the second respondent police in Cr.No.432/2018. Thereafter, the second respondent/Inspector of Police seized his licence and produced the same before the first respondent/Regional Transport Office under section 19 of the Motor Vehicle Act. But, so far no action has been taken by the first respondent and the first respondent/Regional Transport Office is holding the licence with them. Hence, the present writ petition is filed.

3. Today, when the matter is taken up for the hearing, the learned Additional Government Pleader, appearing for the respondents 1 and 2 submitted that already an enquiry has been initiated under section 19(1) of the Act and a show cause notice was also issued to the petitioner. But, so far the petitioner did not file his objection and hence, enquiry is pending.

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

5. Considering the fact that as already enquiry 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 objection, before the first respondent, within a period of two weeks from the date of receipt of a copy of this order. On receipt of the same, the first respondent is directed to conduct enquiry and pass a final reasoned order on merits and in accordance with law within a period of four weeks thereafter. Until the final order is passed in the proceedings, the first respondent has no power to withhold the licence. In the said circumstances, the first respondent is directed to return the Licence to the petitioner subject to the result of the enquiry proceedings.

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

Sd/-

Assistant Registrar(CS-V)

//True copy//

Sub Assistant Registrar

mrp
To

1. The Regional Transport Officer,
Krishnagiri,

Krishnagiri District.

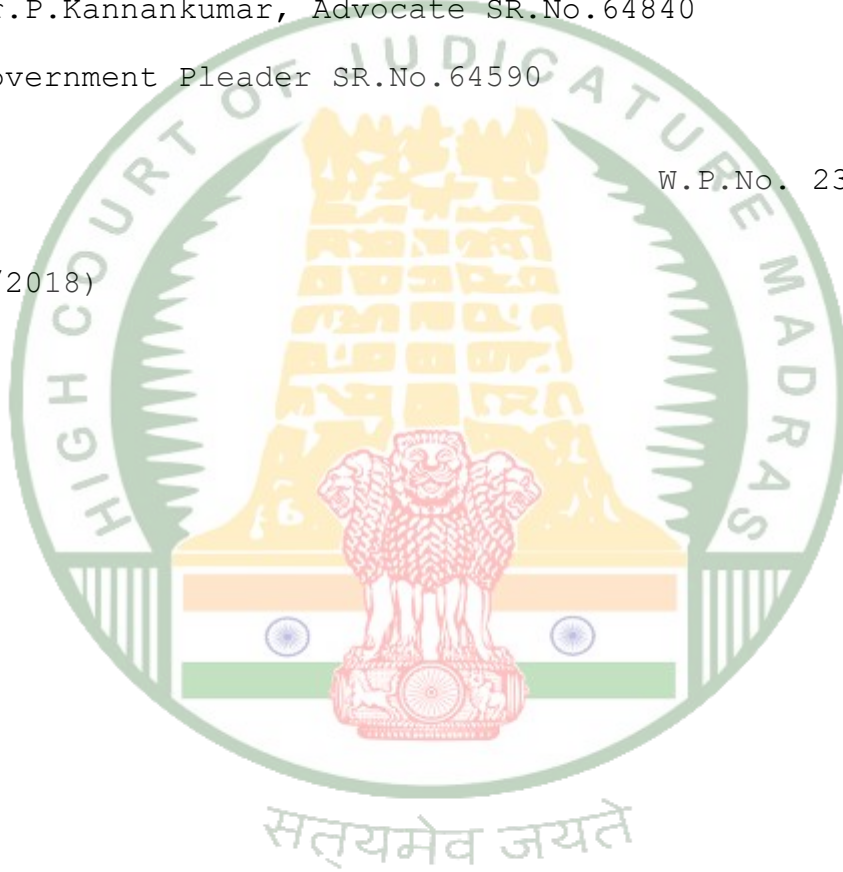
2. The Inspector of Police,
Kovaipattinam Police Station,
Krishnagiri District.
3. The Branch manager,
The Tamil Nadu State Transport
Corporation (Salem) Ltd.,
Palacode Branch,
Dharmapuri District.

+1cc to Mr.P.Kannankumar, Advocate SR.No.64840

+1cc to Government Pleader SR.No.64590

W.P.No. 23773 of 2018

GMV (24/10/2018)



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