

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.09.2018

CORAM:

THE HON'BLE MR.JUSTICE V.BHARATHIDASAN

W.P. No. 24076 of 2018

K.Vadivel Murugan

... Petitioner

Vs.

1.The Regional Transport Officer,
Tambaram
Chennai.

2.The Inspector of Police,
Traffic Investigation,
S1, St. Thomas Mount Police Station,
Chennai-600 016.

... 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 driving licence No.TN07 1988 0001467 dated 26.04.1988 to the petitioner .

For Petitioner : Mr.T.Sivagnanasambandan
For Respondents : Mr.E.Nelakandan
Government Pleader.

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 Metropolitan Transport Corporation, Madras and the bus driven by him was met with an accident on 27.01.2018. Based on that, a criminal case was registered against him by the second respondent police in Cr.No.47/2018. Thereafter, the second respondent/Inspector of Police seized his licence and produced the same before the first respondent/Regional Transport Officer for taking action 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 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.

s/d-

Assistant Registrar (CS-V)

True Copy

Sub-Assistant Registrar

mrp

To

1. The Regional Transport Officer,
Tambaram
Chennai.

2. The Inspector of Police,
Traffic Investigation,
S1, St. Thomas Mount Police Station,
Chennai-600 016.

+1 CC to Mr. T. Sivagnanasambandam, Advocate sr 64934.

+1 CC to Govt. Pleader sr 65487.

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SP(26/09/2018)