

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.09.2018

CORAM

THE HONOURABLE Mr.JUSTICE V.BHARATHIDASAN

W.P.No. 23589 of 2018

N.Senthilkumar

... Petitioner

Vs

1. The Transport Commissioner,
Chepauk,
Chennai - 600 005.
2. The Assistant License Issuing Authority,
Regional Transport Office,
Kancheepuram,
Kancheepuram District.
3. The Regional Transport Officer,
Chennai (West), K.K.Nagar,
Chennai - 600 078.
4. The Inspector of Police,
Traffic Investigation Wing,
R4 Pondy Bazaar Police Station,
Chennai- 600 017.
5. The Branch Manager,
Metropolitan Transport Corporation,
T.Nagar Depot,
Chennai -600 017

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India, praying to issue Writ of Mandamus directing the respondents 1 to 4 to return the petitioner's licence in D.L.No.TN21 1996 0003517 and enable him to join and continue his service in the fifth respondent Transport Corporation.

For Petitioner :Mr. A.Rajesh Kanna

For Respondents :Mrs. K.Bhuvaneswari,
Additional Government Pleader

O R D E R

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

2. According to the petitioner, he is a driver in the Metropolitan Transport Corporation and the bus driven by him was met with an accident on 19.07.2018. Based on that, a criminal case was registered against him by the fourth respondent police in Cr.No.261/2018. Thereafter, the third respondent/Inspector of Police seized his licence and produced the same for taking action before the third respondent/Regional Transport Officer, under section 19 of the Motor Vehicle Act. But, so far no action has been taken by the third respondent and the third respondent/Regional Transport Officer 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 the fourth respondent has sent the driving licence of the petitioner to the third respondent for taking necessary action under Section 19(1) of the Act, in turn, he sent the same to the Joint Commissioner, Chepauk.

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

5. Considering the fact that eventhough the licence was seized as early as on 19.07.2018, so far the driving licence has not been produced before the third respondent for taking action under section 19(1) of the Act.

6. In the said circumstances, the Joint Commissioner, Chepauk, is directed to send the driving licence of the petitioner immediately to the third respondent. On receipt of the said licence, the third respondent is directed to initiate the proceedings under Section 19(1) of the Act and issue show cause notice to the petitioner and the petitioner is directed to submit his objection, before the third respondent, within a period of two weeks from the date of receipt of a copy of the show cause notice. On receipt of the same, the third respondent is directed to conduct enquiry and pass a 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 third respondent has no power to withhold the licence. In the said circumstances, the third respondent is directed to return the licence to the petitioner subject to the result of the enquiry proceedings.

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

s/d-
Assistant Registrar (CS VIII)

True Copy

Sub-Assistant Registrar

To

1. The Transport Commissioner,
Chepauk,
Chennai - 600 005.
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+1 CC to Govt. Pleader sr 67077, 67437.
+1 CC to Mr.A. Rajesh Kumar, Advocate sr 67267.
+1 CC to Mr.P. Kannankumar, Advocate sr 67795.

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SP(05/10/2018)