

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.09.2018

CORAM

THE HONOURABLE Mr.JUSTICE V.BHARATHIDASAN

W.P.No. 17287 of 2018

P.Kanagaraj

... Petitioner

Vs

1. The State

Rep. by its, Inspector of Police,
Acharapakkam Police Station,
Kancheepuram,
Kancheepuram District.

2. The Licensing Authority-cum-

Regional Transport Officer,
Maduranthagam,
Kancheepuram District.

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India, praying to issue Writ of Mandamus directing the second respondent to return back the Original Driving License of the petitioner bearing No.TN32Z20100005951, issued on 31.12.2010, which was valid upto 30.12.2019 containing the Public Batch No.01517/2010 dated 31.12.2010 TN 32 Z based on the petitioner's representation dated 14.06.2018 within a reasonable period of time.

For Petitioner

:Mr.U.M.Ravichandran

For Respondents

:Mrs.K.Bhuvaneswari

Additional Government Pleader

O R D E R

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

2. According to the petitioner, he is a driver in State Transport Corporation, Villupuram and the bus driven by him was met with an accident on 27.05.2018. Based on that, a criminal case was registered against him by the first respondent police in Cr.No.137/2018. Thereafter, the first respondent/Inspector of Police seized his license and produced the same for taking action before the second respondent/Regional Transport Office under section 19 of the Motor Vehicle Act. But, so far no action has been taken by the second respondent and the second respondent/Regional Transport Office is holding the license 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 second respondent 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 second respondent, within a period of two weeks from the date of receipt of a copy of this order. On receipt of the same, the second 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 second respondent has no power to withhold the license. In the said circumstances, the second respondent is directed to return the License 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-IX)

True Copy

Sub-Assistant Registrar

msvm
To

1. The Inspector of Police,
Acharapakkam Police Station,
Kancheepuram,
Kancheepuram District.

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

+1 CC to Mr.UM. Ravichandran, Advocate sr 66762.
+1 CC to Govt. Pleader sr 67078.

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VGI (CO)
SP(29/10/2018)