

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.08.2018

CORAM

THE HONOURABLE Mr.JUSTICE V.BHARATHIDASAN

W.P.No. 16688 of 2018

M.Raja

... Petitioner

Vs

1.The Licensing Authority,
Regional Transport Office,
Poonamallee Chennai.

2.The Inspector of Police
T-12Traffic Investigation wing,
Poonamallee Chennai,

3.The General Manager,
Metropolitan Transport Corporation Ltd,
Pallavan Salai, Chennai-2

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India, praying to issue Writ of Mandamus, directing the respondents 1 to 2 to return the Driving license of the petitioner.

For Petitioner :Mr.R.Y.George Williams

For Respondents :Mr.A.N.Thambidurai
for R1 and R2
Special Government Pleader
Mr.P.KannanKumar for R3
Standing Counsel

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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 the driver in the Metropolitan Transport Corporation Ltd., and the bus driven by him was met with an accident on 03.06.2018. Based on that, a criminal case was registered against him by the second

respondent police in Cr.No.651/2018. 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 Special 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 on 04.07.2018 and the petitioner also filed his objection on 18.07.2018 and the same 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 and the petition has also submit his objection, 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 from the date of receipt of a copy of this order. 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 VI)

सत्यमेव जयते

//True Copy//

Sub Assistant Registrar

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To

1.The Licensing Authority,
Regional Transport Office,
Poonamallee Chennai.

2.The Inspector of Police
T-12Traffic Investigation wing,
Poonamallee Chennai,

3.The General Manager,
Metropolitan Transport Corporation Ltd,
Pallavan Salai, Chennai-2

+1cc to Mr.R.Y.George Williams, Advocate sr.no.58717

+1cc to Mr.P.Kannan kumar, Advocate sr.no.61051

W.P.No. 16688 of 2018

nr 11/10/2018



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