

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 09..10..2018
CORAM

THE HON'BLE MR.JUSTICE V.BHARATHIDASAN

Writ Petition No.26087 of 2018

P.Veeran

... Petitioner

-Versus-

- 1.The Sub Inspector of Police,
Erode North Police Station,
Erode North, Erode District.
- 2.The Regional Transport Officer,
Sithode Road,
Erode West, Erode District.

.... Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus directing the 2nd respondent to return the driving license of the petitioner bearing DL No.TN 33 U 200220001909 forthwith.

For Petitioner : Mr.A.Ganesan

For Respondents : Mrs.S.Ramya Revathy,
Government Advocate

ORDER

This writ petition has been filing seeking a direction to the 2nd respondent for return of license of the petitioner.

2. According to the petitioner, he is the driver in the State Transport Corporation (Coimbatore Division). On 12.08.2018 while he was driving the bus bearing registration No. TN 33 N 3135 from Erode to Tirupur, on his way, the bus met with an accident near Tirupur. Based on a complaint, a case was registered by the 1st respondent in Crime No.568 of 2018 for offences u/s 279, 304(A) of IPC against the petitioner. Subsequently, the 1st respondent seized his license and, in turn, handed over the same to the 2nd respondent for taking appropriate action under Section 19 of the The Motor Vehicles Act. The 2nd respondent has been retaining the license all along without conducting any inquiry and passing order. The grievance of the petitioner is that despite he made a representation in this regard on 25.09.2018, no order has been passed by the 2nd respondent so far. Hence, this writ petition.

4. On 03.10.2018, as directed by this court, Mrs.S.Ramya Revathy, Government Advocate, took notice for the respondents 1 and 2 and she had sought for time to get instructions. This court accordingly adjourned the matter for passing orders.

5. Today, when the matter came up for hearing, the learned Government Advocate submitted that after enquiry, a final order has been passed by 2nd respondent under Section 19 of the Motor Vehicles Act on 03.10.2018 thereby suspending the license of the petitioner from 20.08.2018 to 19.02.2019. She has also produced a Xerox copy of the order dated 03.10.2018 in proceedings No.21557/A3/2018 passed by the 2nd respondent.

6. In the light of the fact that final order has already been passed by the 1st respondent suspending the license of the petitioner for a limited period, the petitioner is not entitled for any relief in this writ petition. However, the 1st respondent is directed to serve a copy of the order passed by him on the petitioner to enable him to approach the appropriate authority challenging the order suspending his license, if so advised. This writ petition is dismissed accordingly with the above directions. No costs.

-s/d-

Assistant Registrar(CS-IX)

True Copy

Sub-Assistant Registrar

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To

1.The Sub Inspector of Police,
Erode North Police Station,
Erode North, Erode District.

2.The Regional Transport Officer,
Sithode Road,
Erode West, Erode District.

+1 CC to Govt. Pleader sr 70586.

W.P.No.26087 of 2018

VGI (CO)
SP(06/12/2018)