

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 29.10.2018
CORAM
THE HONOURABLE Mr.JUSTICE V.BHARATHIDASAN

W.P. 27167 of 2018

R.Duraibabu

... Petitioner

Vs

1.The Regional Transport Officer,
Regional Transport Office,
Ambattur, Chennai.

2.The Inspector of Police,
Traffic Investigation Wing,
Poonamallee.

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India, praying to issue appropriate Writs, orders or Directions and in particular issue a Writ of MANDAMUS directing the 1st respondent to return original driving license of the petitioner in D.L.No.TN 21 1989 0000012 forthwith.

For Petitioner : Mr.Amar D.Pandiya

For Respondents : Mrs.Ramya Revathi,
Government Pleader

O R D E R

This writ petition has been filed seeking direction to the 1st respondent to return the original Driving Licence to the petitioner.

2. According to the petitioner, he is a driver in Metropolitan Transport Corporation, Chennai 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 2nd respondent police in Cr.No.872/2018. Thereafter, the 2nd respondent/Inspector of Police seized his licence and produced the same before the 1st respondent/Regional Transport Office under section 19 of the Motor Vehicle Act. But, so far no action has been taken by the 1st respondent and the 1st 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 Government Pleader, appearing for the 1st 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, the 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 1st 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 1st respondent has no power to withhold the licence. In the said circumstances, the 1st 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 IX)

//True Copy//

Sub Assistant Registrar

rpp

To

1. The Regional Transport Officer,
Regional Transport Office,
Ambattur, Chennai.

2. The Inspector of Police,
Traffic Investigation Wing,
Poonamallee.

+lcc to Mr.Amar.D.Pandiya, Advocate, S.R.No.73959

+lcc to the Government Pleader, S.R.No.74286

W.P. 27167 of 2018

rrs 31/10/2018