

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.10.2018

CORAM

THE HONOURABLE Mr.JUSTICE V.BHARATHIDASAN

W.P. 27583 of 2018

K.Prabakaran

... Petitioner

Vs

1. The State of Tamil Nadu,
rep. by Transport Commissioner,
Chepauk, Chennai-600 005.
 2. The Licensing Authority,
Regional Transport Officer,
Regional Transport Office,
Polavakkali Palayam Post,
Gobichettipalayam, Erode.
 3. The Inspector of Police,
Gobichettipalayam PS,
Erode District.
 4. The General Manager,
Tamil Nadu State Transport
Corporation,
Sathi Region,
Erode District.
- ... 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 2nd respondent to return the petitioner's driving license in D.L. No.TN 36- 20060005945 enabling him to join and continue his service in the fourth respondent transport corporation.

For Petitioner : Mr.J.Stalin
For Respondents : Mrs.Ramya Revathi,
Government Pleader

O R D E R

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

2. According to the petitioner, he is a driver in Tamil Nadu State Transport Corporation, Erode and the bus driven by him was met with an accident on 23.08.2018. Based on that, a criminal case was registered against him by the third respondent police in Cr.No.492/2018. Thereafter, the third respondent/Inspector of Police seized his licence and produced the same 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 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 second respondent submitted that a show cause notice will be issued to the petitioner in due course and after receipt of show cause notice, the petitioner may be directed to file his objection.

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

5. Recording the above submissions, the 2nd respondent is directed to issue show cause notice to the petitioner within a period of two weeks from the date of copy of this order and the petitioner is directed to submit his objection within a period of four weeks thereafter. 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 licence. In the said circumstances, the second 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.

-s/d-

Assistant Registrar (CS-IX)

True Copy

Sub-Assistant Registrar

rpp

To

1. The Transport Commissioner,
State of Tamil Nadu,
Chepauk, Chennai-600 005.
 2. The Licensing Authority,
Regional Transport Officer,
Regional Transport Office,
Polavakkali Palayam Post,
Gobichettipalayam, Erode.
 3. The Inspector of Police,
Gobichettipalayam PS,
Erode District.
 4. The General Manager,
Tamil Nadu State Transport
Corporation,
Sathi Region,
Erode District.
- +1 CC to Mr.J.Stalin, Advocate sr 73834.
+1 CC to Govt. Pleader sr 74287.

SP(30/10/2018)

W.P. 27583 of 2018

सत्यमेव जयते

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