

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.10.2018

CORAM

THE HONOURABLE Mr.JUSTICE V.BHARATHIDASAN

W.P.No. 27527 of 2018

S. Rajendiran

... Petitioner

vs

The Regional Transport Officer,
Sriperumpudur,
Kanchipuram District

... Respondent

PRAYER : Petition filed under Article 226 of the Constitution of India, praying to issue Writ of Mandamus directing the respondent to consider the petitioner's representation, dated 02.10.2018 for return of original driving licence.

For Petitioner : Mr.PA.Sudesh Kumar

For Respondent : Mr.A.N.Thambidurai,
Special Government Pleader

O R D E R

This writ petition has been filed seeking direction to the 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 and the bus driven by him was met with an accident on 10.09.2018. Based on that, a criminal case was registered against him by the Sriperumpudur Police in Cr.No.573/2018. Thereafter, the Inspector of Police seized his licence and produced the same for taking action before the 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 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 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 respondent, within a period of two weeks from the date of receipt of a copy of this order. On receipt of the same, the 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 respondent has no power to withhold the licence. In the said circumstances, the 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-VIII)

//True copy//

Sub Assistant Registrar

mrp

To

The Regional Transport Officer,
Sriperumpudur,
Kanchipuram District

+1cc to Mr.PA Sudesh Kumar, Advocate SR.No.71919

W.P.No. 27527 of 2018

GMV (25/10/2018)