

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.12.2018

CORAM

THE HONOURABLE Mr.JUSTICE V.BHARATHIDASAN

W.P.31727 of 2018

A.Sethuraman

... Petitioner

Vs

1. The Licensing Authority,
Regional Transport Office,
Coimbatore South,
No.100, Peelamedu Pudur & Post,
Coimbatore Dt.-641 004.

2. The Inspector of Police
Traffic Investigation Wing, (East),
Coimbatore City,
Coimbatore Dt.

... Respondents

PRAYER :

Petition filed under Article 226 of the Constitution of India, praying to issue Writ of Mandamus directing the respondents herein to return the Driving Licence number TN 5820010006172 of the petitioner.

For Petitioner : Mr.R.Y.George William

For Respondents : Mrs.Ramya Revathy,
Government Pleader

O R D E R

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

2. According to the petitioner, he is a driver in Tamil Nadu State Transport Corporation Ltd., Coimbatore Division and the bus driven by him was met with an accident on 16.09.2018. Based on that, a criminal case was registered against him by the second respondent police in Cr.No.540/2018. 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 Government Pleader, appearing for the first 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 dated 07.12.2018 was also issued to the petitioner, the petitioner is directed to submit his objections before the first respondent, within a period of three weeks from the date of receipt of a copy of this order. On receipt of the same, 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 thereafter. 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/Licensing Authority 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/-

सत्यमेव जयते Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

rpp

To

1. The Licensing Authority,
Regional Transport Office,
Coimbatore South,
No.100, Peelamedu Pudhur & Post,
Coimbatore Dt.-641 004.

2. The Inspector of Police
Traffic Investigation Wing, (East),
Coimbatore City,
Coimbatore Dt.

+1cc to the Government Pleader, S.R.No.86296

W.P.No. 31727 of 2018

KAN(Co)
CS/21/12/2018



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