

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.11.2018

CORAM:

THE HON'BLE MR.JUSTICE V.BHARATHIDASAN

WP. No.30343 of 2018

P.Vadivel

... Petitioner

Vs.

1.The Transport Commissioner,
Chepauk,
Chennai-600 005.

2.The Regional Transport Officer,
O/o. Regional Transport office,
Ulundurpet,
Villupuram District- 606 107.

3.The Branch Manager,
Tamil Nadu Transport Corporation Limited,
Kumbakonam Limited,
Trichy Moffusil Branch,
Tiruchirappalli Region.

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India, praying to issue a writ of MANDAMUS directing the respondent 1 & 2 to return the petitioner's Original driving license in D.L. TN-48 19960001311 enable him to join duty and continue his service under the 3rd respondent.

For Petitioner : Mr.R.Kumaravel

For Respondents: Mr. R.Govindasamy,
Special Government Pleader.

O R D E R

This writ petition has been filed seeking direction to the respondents 1 & 2 to return the original Driving Licence to the petitioner.

2. According to the petitioner, he is a driver in Tamil Nadu State Transport Corporation, Tiruchi Muffosal Branch and the bus driven by him was met with an accident on 18.10.2018. Based on

that, a criminal case was registered against him in Cr.No.269/2018. Thereafter, the Station House Officer, Edaikkal seized his licence and produced the same before the second respondent/Regional Transport Officer for taking action under section 19 of the Motor Vehicle Act. But, so far no action has been taken by the respondents. 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 respondents 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 for further action. 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 second respondent, within a period of four weeks from the date of receipt of a copy of this order. 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.

Sd/-

Deputy Registrar

//True Copy//

Sub Assistant Registrar

rkp

To

1.The Transport Commissioner,
Chepauk,
Chennai-600 005.

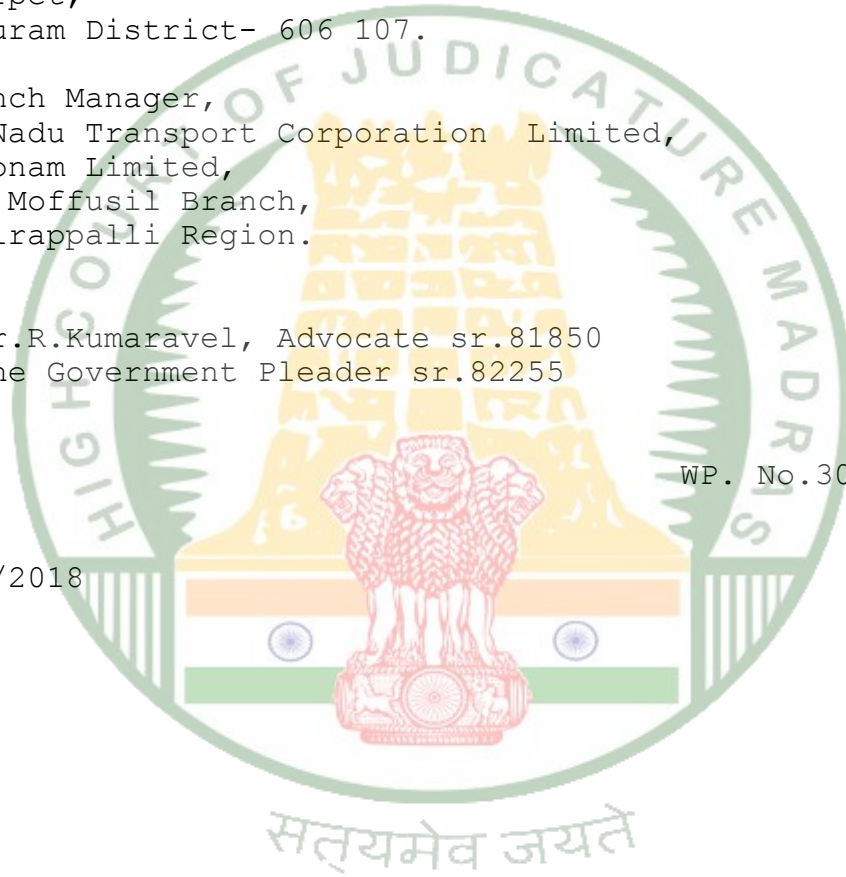
2.The Regional Transport Officer,
O/o. Regional Transport office,
Ulundurpet,
Villupuram District- 606 107.

3.The Branch Manager,
Tamil Nadu Transport Corporation Limited,
Kumbakonam Limited,
Trichy Moffusil Branch,
Tiruchirappalli Region.

+1cc to Mr.R.Kumaravel, Advocate sr.81850
+1cc to the Government Pleader sr.82255

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srg 21/12/2018



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