

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.12.2018

CORAM

THE HONOURABLE Mr.JUSTICE V.BHARATHIDASAN

W.P. 31747 of 2018

N.Elanchezian

... Petitioner

Vs

1. The Inspector of Police,
Maraimalai Nagar Police Station,
Chengalpattu.

2. The Licensing Authority cum
Regional Transport Officer,
Chengalpattu.

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India, praying to issue Writ of Mandamus, directing the 2nd respondent to return the petitioner's Original Driving Licence (DL. No.TN32 19990000210) which seized on 05.11.2018 from the petitioner.

For Petitioner : Mr.R.Sasikumar

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

O R D E R

This writ petition has been filed seeking direction to the 2nd 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 Ltd., Villupuram and the bus driven by him was met with an accident on 04.11.2018. Based on that, a criminal case was registered against him by the first respondent police in Cr.No.639/2018. Thereafter, the first 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 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 15.11.2018 was also issued to the petitioner, the petitioner is directed to submit his objection, before the second respondent, within a period of three 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/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/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

rpp
To

1. The Inspector of Police,
Maraimalai Nagar Police Station, Chengalpattu.

2. The Licensing Authority cum
Regional Transport Officer,
Chengalpattu.

+1 cc to The Government Pleader, Sr.No.86273
+1 cc to M/s.R.Sasikumar, Advocate Sr.No.85622

W.P.No. 31747 of 2018

KAN9CO)
CSL/21.12.2018