

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.12.2018

CORAM

THE HONOURABLE MR. JUSTICE V.BHARATHIDASAN

W.P. 32762 of 2018

K.Vadivel

... Petitioner

Versus

1.The Inspector of Police,
Sankari Police Station,
Salem District.

2. The Licensing Authority- cum-
Regional Transport Officer,
Sankari, Salem District.

...Respondents

PRAYER: Writ petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the 2nd respondent herein to return the original driving license (DL.No.TN36, 2001 0004194) to the petitioner forthwith.

For Petitioner	:	Mr.K.Hariharan
For Respondents	:	Mrs.Ramya Revathy, Government Pleader

ORDER

This Writ Petition has been filed seeking a direction to the 2nd respondent to return the petitioner's original driving license bearing DL.No.TN36 2001 0004194.

2. According to the petitioner, he is a driver in Tamilnadu State Transport Corporation, Erode and the bus driven by him was met with an accident on 19.11.2018. Based on that, the petitioner's license has been seized by the 1st respondent, and a criminal case was registered against him in Cr.No.414/2018. Thereafter, the 1st respondent/Inspector of Police had produced the license before the 2nd respondent/Regional Transport Office under section 19 of the Motor Vehicle Act. The 2nd respondent without initiating any proceedings under Section 19(1) of the Motor Vehicles Act holding the licence with them. Hence, the present writ petition is filed.

3. Considering the fact that no notice was issued so far to the petitioner, the 2nd respondent is directed to issue show cause notice to the petitioner within a period of three weeks from the date of receipt of the copy of this order. Thereafter, the petitioner is directed to submit his explanation within a period of two weeks. After the receipt of explanation, the 2nd respondent is directed to conduct the enquiry, and to pass final reasoned order on merits and in accordance with law after giving opportunity to the petitioner within a period of four weeks thereafter. Till then, 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.

4. With the above directions, this Writ Petition is disposed of. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1. The Inspector of Police,
Sankari Police Station,
Salem District.
2. The Licensing Authority- cum-
Regional Transport Officer,
Sankari, Salem District.

+1cc to Government Pleader sr.no.88413

+1cc to Mr.K.Hariharan, Advocate sr.no.88305

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