



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.10.2018

CORAM:

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

W.P(MD)No.21048 of 2018

J.Selvaraj

.. Petitioner

Vs.

1.The Commissioner of Police,
Thiruchirappalli City,
Thiruchirappalli District.

2.The Inspector of Police,
TIW, South Police Station,
Thiruchirappalli City,
Thiruchirappalli District.

3.The Regional Transport Officer,
Thiruchirappalli City (East),
Sanjeevi Nagar,
Thiruchirappalli District.

.. Respondents

PRAYER: Writ Petition has been filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus to direct the 1st respondent to return the original Driving License of the petitioner bearing No.TN-46-1996 0000144, seized from the petitioner on 21.07.2018 by the 2nd respondent, within a stipulated time to be fixed by this Court so as to enable the petitioner to join duty as driver in Tamil Nadu State Express Transport Corporation on production of his original driving license.

For Petitioner : M/s..S.Bharathy Kannan
For Respondents : Mr.R.Murugan,
Additional Government Pleader

ORDER

This writ petition has been filed by the petitioner for issuance of a Writ of Mandamus, to direct the respondents herein to return the original Driving Licence of the petitioner forthwith.

2. The petitioner is working as a driver in the Tamil Nadu State Express Transport Corporation Limited. On 21.07.2018, while he was driving a bus bearing Registration No.TN-01-5472, there was an accident in which a motorcycle rider sustained injury. In this regard, a case was registered against the



petitioner in Cr.No.198 of 2018 under Section 304(A) I.P.C. Pending investigation, the original Driving Licence of the petitioner was seized by the Police, who in turn forwarded the same to the third respondent. The petitioner has submitted a representation, dated 25.07.2018, to the respondents seeking return of the original driving licence. Without considering the same, on 31.07.2018, the third respondent has issued a show cause notice to the petitioner stating as to why the driving license of the petitioner should not be cancelled as per Section 21 of the Motor Vehicles Act. But, the said notice was served on the petitioner only on 14.08.2018. Immediately thereafter, the petitioner has given a detailed representation dated 20.08.2018 to the respondents. As there was no response to the same, the petitioner is before this Court.

3. Heard the learned counsel appearing for both sides.

4. The learned Additional Government Pleader appearing for the respondent, on instruction, would submit that the representation of the petitioner will be considered by the third respondent forthwith.

5. In view of the above and also considering the facts and circumstances of the case, this Court, without going into the merits of the case, directs the third respondent to consider the representation of the petitioner, dated 20.08.2018, in the light of the decision of a Division Bench of this Court reported in **2010 Writ L.r. 100 (P.Sethuram Vs. the Licensing Authority, the Regional Transport Officer, the Regional Transport Office, Dindigul)** and pass appropriate order on merits and in accordance with law within a period of one week from the date of receipt of a copy of this order.

6. This Writ Petition stands disposed of accordingly. No costs.

Sd/-

Assistant Registrar (ADI)

// True Copy //

Sub Assistant Registrar(CS-I)

To

1.The Commissioner of Police,
Thiruchirappalli City,
Thiruchirappalli District.

2.The Inspector of Police,
Thiruchirappalli City,
Thiruchirappalli District.



3.The Regional Transport Officer,
Thiruchirapalli City (East),
Sanjeevi Nagar,
Thiruchirappalli District.

+1 CC To MR.S.BHARATHY KANNAN, Advocate SR. NO. 89554
+1 CC TO The Special Government Pleader SR.NO. 89417

Order made in
W.P (MD) No.21048 of 2018
08.10.2018

GCG
TR/SKN/SAR-I (26.10.2018) 3P 6C