

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.01.2019

CORAM:

THE HON'BLE MR.JUSTICE V.BHARATHIDASAN

W.P.No.111 of 2019

M.S.Palani

... Petitioner

Vs.

The Regional Transport Officer,
Tindivanam,
Villupuram District.

... Respondent

PRAYER : Petition filed under Article 226 of the Constitution of India, praying to issue a writ of MANDAMUS, directing the respondent to return the petitioner's Licence No.TN-32-Y-1987 0000987.

For Petitioner : Mr.B.Manoharan

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

O R D E R

This writ petition has been filed seeking a direction to the 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, Villupuram Division -1 and presently working in Gingee Branch, and the bus driven by him was met with an accident on 05.12.2018. Based on that, a criminal case was registered against him by the police in Cr.No.238/2018 under Sections 279 and 337 IPC. Thereafter, the petitioner's licence was seized by the police and the same was handed over to the respondent/Regional Transport Officer on 14.12.2018 for taking action under section 19 of the Motor Vehicle Act. But, so far no action has been taken by the respondent and the respondent/Regional Transport Officer is holding the licence with him. Hence, the present writ petition is filed.

3.Today, when the matter is came up for hearing, Mr.R.Govindasamy, learned Special Government Pleader appearing for the respondent on instructions submitted that on 14.12.2018 only the licence has been handed over to the respondent by concerned police and the respondent is taking steps to initiate the proceedings under section 19(1) of the Motor Vehicles Act.

4. I have heard the rival submissions and perused the materials available on records.

5.Considering the fact that the respondent is taking steps to initiate the proceedings under section 19(1) of the Motor Vehicles Act, the respondent is directed to issue show cause notice to the petitioner and the petitioner is directed to submit his objections to the respondent within a period of two weeks from the date of receipt of a copy of this order. On receipt of such objection, the respondent is directed to conduct an enquiry and pass a reasoned final 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 respondent has no power to withhold the licence. In the said circumstances, the 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/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

rrg

To

The Regional Transport Officer,
Tindivanam,
Villupuram District.

+1 cc to Mr.B.Manoharan, Advocate Sr.No.2518

+1 cc to The Government Pleader, Sr.No.2736

W.P.No.111 of 2019

KJI (CO)
CSL/21.01.2019