

IN THE HIGH COURT OF JUDICATURE AT MADRAS
Dated: 28..01..2019

CORAM
THE HON'BLE MR.JUSTICE V.BHARATHIDASAN

Writ Petition No.1190 of 2019

K.Vinayagamoorthi

... Petitioner

-Versus-

1.Inspector of Police,
Thirukalukundram Police Station,
Kancheepuram District.

2.The Licensing Authority cum
Regional Transport Officer,
Chengalpet,
Kancheepuram District.

.... Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus directing the 2nd respondent to return the original driving license (DL NO. TN 07 1981 000 4999) to the petitioner forthwith.

For Petitioner : Mr.A.Edwin Prabakar

For Respondents : Mr.R.Govindasamy, Spl.
G.P. for R1 & R2

ORDER

This writ petition has been filed seeking a direction to the 2nd respondent to return the original Driving Licence of the petitioner.

2. According to the petitioner, he is working as a driver in Tamil Nadu State Transport Corporation, Kancheepuram Zone, Chennai. While he was on duty, on 13.12.2018, the bus bearing Regn. No. TN 25 N 0263, which was driven by him, met with an accident. Pursuant to a complaint, a criminal case has been registered against him in Crime No.780 of 2018 by the 1st respondent for alleged offences u/s. 279 and 304-A of IPC. Thereafter, pending investigation, the 2nd respondent/Inspector of Police seized the license of the petitioner and produced the same before the 2nd respondent/Regional Transport Office for initiating action under section 19 of the Motor Vehicles Act. But, so far no action no order has been passed and the 2nd respondent is withholding the license with him without any basis. Hence, the present writ petition.

3. On 22.01.2019, notice was ordered to the respondents. Today, when the matter came up for the hearing, the learned Spl. Government Pleader appearing for the respondents, on instructions, submitted that the 2nd respondent has proposed to initiate enquiry as contemplated under section 19(1) of the Act and a show cause notice would be issued to the petitioner calling for his objections, if any.

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

5. Considering the fact that the 2nd respondent has proposed to initiate enquiry proceedings as contemplated under section 19(1) of the Act, the 2nd respondent is directed to issue a show cause notice to the petitioner within a period of two weeks from the date of receipt of a copy of this order calling upon him to explain as to why action should not be taken as against him as provided under Section 19(1) of the Act. On receipt of such objection, the petitioner shall submit his objections, if any, within a period of one weeks thereafter. The 2nd respondent is further 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. The 2nd respondent is directed to return the driving license to the petitioner forthwith and the petitioner shall surrender the same to the 2nd respondent subject to the outcome of the order to be passed by the 2nd respondent as provided under Section 19(1) of the Motor Vehicles Act.

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

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

kmk

To

- 1.The Inspector of Police, Thirukalukundram Police Station, Kancheepuram District.
- 2.The Licensing Authority cum Regional Transport Officer, Chengalpet, Kancheepuram District.

+2ccs to Mr.A.Edwin Prabakar, Advocate, S.R.No.6855

W.P.No.1190 of 2019

SJ(CO)
rrs 29/01/2019