

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 11.01.2019
CORAM
THE HONOURABLE Mr.JUSTICE V.BHARATHIDASAN
W.P. 1102 of 2019

V.Kamalakaran

... Petitioner

Vs

1. Inspector of Police
Mecheri Police Station
Salem District.

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

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India, praying to issue Writ of Mandamus directing the 2nd respondent herein to return the original Driving Licence (DL.No.TN52 Z 2012 0002941) to the petitioner forthwith.

For Petitioner : Mr.K.Hariharan

For Respondents : Mr.V.Prabhu
Government Pleader

O R D E R

This writ petition has been filed seeking direction to the second respondent to return the original Driving Licence to the petitioner.

2. According to the petitioner, he is a driver by profession and the two wheeler driven by him was met with an accident on 19.12.2018. Based on that, a criminal case was registered against him by the first respondent police in Cr.No.549/2018. 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 Additional 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 dated 10.01.2019 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 was also issued to the petitioner, the petitioner is directed to submit his objection, before the second respondent, within a period of two 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 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(CS iv)

//True Copy//

Sub Assistant Registrar

rpp
To

1.The Inspector of Police
Mecheri Police Station
Salem District.

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

+1 CC TO GOVERNMENT PLEADER SR.NO.3955

+1cc to Mr.K.Hariharan , Advocate SR.No. 3092

WEB COPY

W.P.No. 1102 of 2019

A.SK(21/01/2019)