

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.01.2019

CORAM:

THE HON'BLE MR.JUSTICE V.BHARATHIDASAN

W.P.No.1568 of 2019

M.Sivakumar

... Petitioner

Vs.

1.The Inspector of Police,
Sathyamangalam Police Station,
Erode District.

2.The Licensing Authority cum
Regional Transport Officer
Gobichettipalayam,
Erode District.

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India, praying to issue a writ of MANDAMUS, directing the 2nd respondent herein to return the original driving license (D.L.No.TN 36 2003 0000415) to the petitioner forthwith.

For Petitioner : Mr.K.Hariharan

For Respondents : Mr.R.Govindasamy
Special Government Pleader

ORDER

This writ petition has been filed seeking a direction to the Second 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, Erode and the bus driven by him was met with an accident on 01.01.2019. Based on that, a criminal case was registered against him by the first respondent police in Cr.No.6/2019 under Sections 279 and 304(A) IPC. Thereafter, the first respondent/Inspector of Police seized his licence and produced the same for taking action 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. Earlier notice ordered to the respondents. Today, when the matter is taken up for hearing, the learned Special Government Pleader appearing for the respondents submitted that already an enquiry has been initiated under section 19(1) of the Act and a show cause notice was also issued to the petitioner on 21.01.2019 for further action. The

enquiry will be conducted on 31.01.2019. 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.

28.01.2019

Index:Yes/No

Internet:Yes

Speaking/Non-speaking order
vsn/rrg

Note: Issue order copy on 31.01.2019

To

1.The Inspector of Police,
Sathyamangalam Police Station,
Erode District.

2.The Licensing Authority cum
Regional Transport Officer
Gobichettipalayam,
Erode District.



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V.BHARATHIDASAN, J



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