

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 31.01.2019
CORAM
THE HONOURABLE Mr.JUSTICE V.BHARATHIDASAN
W.P. 1812 of 2019

M.Mathankumar

... Petitioner

Vs

1. The Inspector of Police,
Traffic Investigation Wing,
Coimbatore City Police Station,
Coimbatore.

2. The Licensing Authority-cum-
Regional Transport Officer,
Coimbatore Central,
Coimbatore 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 original driving license (DL.No.TN38-2014 0015088) to the petitioner forthwith.

For Petitioner : Mr.K.Hariharan

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

O R D E R

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

2. According to the petitioner, he is a driver in private bus transport SPM, Coimbatore and the bus driven by him was met with an accident on 13.01.2019. Based on that, a criminal case was registered against him by the 1st respondent police in Cr.No.31 of 2019. Thereafter, the 1st respondent/Inspector of Police seized his licence and produced the same before the 2nd respondent/Regional Transport Office under section 19 of the Motor Vehicle Act. But, so far no action has been taken by the 2nd respondent and the 2nd 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 Government Pleader, appearing for the 2nd respondent submitted that already an enquiry has been initiated under section 19(1) of the Act and a show cause notice dated 22.01.2019 was also issued to the petitioner. But, so far the

petitioner did not file his objection and hence, the 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 dated 22.01.2019 was also issued to the petitioner, the petitioner is directed to submit his objection, before the 2nd respondent, within a period of two weeks from the date of receipt of a copy of this order. On receipt of the same, the 2nd 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 2nd respondent has no power to withhold the licence. In the said circumstances, the 2nd 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 V)

//True Copy//

Sub Assistant Registrar

To

1. The Inspector of Police,
Traffic Investigation Wing,
Coimbatore City Police Station,
Coimbatore.

2. The Licensing Authority-cum-
Regional Transport Officer,
Coimbatore Central,
Coimbatore District.

+1cc to Mr.K.Hariharan, Advocate, S.R.No.8001

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GSP(04/02/2019)