

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 31.01.2019
CORAM
THE HONOURABLE Mr.JUSTICE V.BHARATHIDASAN
W.P. 2515 of 2019

K.Anandhakumar

... Petitioner

Vs

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

2. The Licensing Authority-cum-
Regional Transport Officer,
Coimbatore West, Coimbatore. ... 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.TN37-2000 0006560) 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 Tamil
Nadu State Transport Corporation, Coimbatore and the bus
driven by him was met with an accident on 24.01.2019. Based
on that, a criminal case was registered against him by the
1st respondent police in Cr.No.29 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 28.01.2019 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 28.01.2019 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)

//True Copy//

Sub Assistant Registrar

rpp
To

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

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

+1cc to Mr.K.Hariharan , Advocate SR.No. 8003

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A.SK(04/02/2019)