

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 01.08.2019

CORAM:
THE HONOURABLE DR. JUSTICE G.JAYACHANDRAN

WRIT PETITION NO.18939 OF 2019

P.Krishnasamy

...Petitioner

Vs

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

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

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the 2nd respondent herein to return the original driving licence (DL.No.TN 41 1999 0006376) to the petitioner forthwith.

For petitioner : Mr.K.Hariharan

For Respondents : Mrs.P.Rajalakshmi
Addl. Government Pleader

ORDER

The writ petitioner herein is a driver in Tamil Nadu State Transport Corporation, who was involved in a road accident causing death of motor cycle rider. A criminal case was registered against him in Crime No.233 of 2019 under Sections 279 and 337 of IPC by the Inspector of Police, Puliyampatti Police Station, Erode. Subsequently, his driving license has been retained by the police and forwarded to the 2nd respondent to initiate proceedings against the petitioner herein under Section 19 of the Motor Vehicles Act and cancel the driving license.

2. Relying upon the judgment of this Court in P.Sethuram Vs. The Licensing Authority, Regional Transport Officer, Dindigul reported in 2010 Writ L.R.100, the petitioner would contend that without following the procedure as contemplated under law, the license cannot be retained by the authorities.

3. Whereas, the learned Additional Government Pleader appearing for the respondents would submit that the 1st

respondent has already initiated proceedings under Section 19(1) (d) & (f) of the Motor Vehicles Act. 1988 r/w Rule 21 of the Central Motor Vehicles Rules, 1989 a show cause notice sent to the petitioner on 19.06.2019 and till date the petitioner has not submitted his explanation.

4. However, the learned counsel appearing for the petitioner would submit that the alleged show cause notice was not served on the petitioner.

5. In the light of the above facts, instead of probing whether the show cause notice was served or not, it is suffice to direct the 1st respondent herein to return the driving license of the petitioner on condition that the petitioner should participate in the enquiry proceedings and submit his explanation within the time prescribed and abide by the finding of the enquiry.

6. Accordingly, this Writ Petition is disposed of. The 2nd respondent is directed to return the driving license to the petitioner herein forthwith and issue show cause notice afresh inviting the explanation from the petitioner and thereafter issue proceedings in accordance with law. No costs.

Sd/-

Assistant Registrar (CS III)

//True Copy//

Sub Assistant Registrar

rpl

To

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

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

+1cc to Mr.K.Hariharan, Advocate, S.R.No.65861

+1cc to the Government Pleader, S.R.No.66309

Writ Petition No.18939 of 2019

NR (CO)

RRS (22/08/2019)