

IN THE HIGH COURT OF JUDICATURE AT MADRAS
Dated : 22.07.2019
CORAM:
THE HONOURABLE DR. JUSTICE G.JAYACHANDRAN
Writ Petition No.19602 of 2019

S.Sankarganesh

...Petitioner

Vs

1.The Inspector of Police,
Anupparpalayam Police Station,
Tirupur District.

2.The Licensing Authority-cum-
Regional Transport Officer,
Tirupur North, Tirupur

... Respondents

Prayer: Writ Petitions are 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 license (DL.No.TN 58 2008 0007028) to the petitioner forthwith.

For petitioner	:	Mr.K.Hariharan
For Respondents	:	Mr.D.Raja
		Additional Government Pleader

O R D E R

The petitioner herein is a driver of the Tamil Nadu State Transport Corporation, Coimbatore. While he was driving the bus bearing No.TN 39/N 3217, on 04.06.2019, he caused an accident causing death of a person. A case has been registered against him in Crime No.481/2019 under Sections 279 and 304-A of IPC, on the file of Annupparpalayam Police Station. While so, on the inspection of the first respondent, the second respondent has seized the driving license of the petitioner. Since detention of the driving license of the petitioner is contrary to law, the petitioner sent a representation to the second respondent on 20.06.2019 to return the original driving license. Till date, the second respondent has not returned the driving license. Hence, the present writ petition is filed.

2. After notice, the learned Additional Government Pleader appearing for the second respondent would submit that the second respondent has contemplated to proceed against the petitioner herein under Section 21(1)(a) of the Motor Vehicle Act, to cancel the license. Therefore, show cause notice was issued on 21.06.2019 to the petitioner to appear in person on 17.07.2019

and give his explanation. The copy of the said show cause notice was also circulated to the learned counsel.

3. Perusal of the show cause notice reveals that the learned counsel for the petitioner would submit that no such show cause notice was served on the petitioner.

4. In such circumstances, the second respondent herein is directed to return back the driving license to the petitioner forthwith and if the respondent is inclined to take any action under Motor Vehicle Act regarding driving license of the petitioner, proper notice has to be given and action has to be taken in accordance with law.

5. With the above directions, the writ petition is disposed of. No costs.

Sd/-
Assistant Registrar(Insp.Cell)

//True Copy//

Sub Assistant Registrar

rpl

To

1.The Inspector of Police,
Anupparpalayam Police Station,
Tirupur District.

2.The Licensing Authority-cum-
Regional Transport Officer,
Tirupur North, Tirupur.

+lcc to Mr.K.Hariharan, Advocate sr.62685
+lcc to Government Pleader sr.no.62767

Writ Petition No.19602 of 2019

nr 08/08/2019