

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.09.2019

CORAM::

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

W.P.NO.23968 OF 2019

K.P.Panneer,
S/o.Palanisamy,
No.3/393, Ammaiyaikadu,
Tiruchengode Taluk,
Namakkal District.

... Petitioner

/versus/

1. Inspector of Police,
Avinashi Police Station,
Tirupur District.
2. The Assistant Licensing Authority-cum-
Motor Vehicle Inspector,
Regional Transport Office, Avinasi,
Tirupur District.

.... Respondents

Prayer:

Writ Petition is filed under Article 226 of the Constitution of India, praying to issue Writ of Mandamus, directing the 2nd respondent herein to return the Original Driving License (DL.No.TN 34 19970001558) to the petitioner forthwith.

For Petitioner : Mr.K.Hariharan

For R1 & R2 : Mr.N.Inbanathan,
Additional Government Pleader

O R D E R

Heard the Learned Counsel for the Petitioner and the Learned Additional Government Pleader for the respondents.

2. The petitioner herein is a driving in Tamil Nadu State Transport Corporation, Coimbatore. His original driving License has been seized by the police in view of the accident occurred on 30.07.2019, causing death of a motor cycle rider. Presently, the Driving License is with the 2nd respondent/Assistant Licensing Authority-cum-Motor Vehicle Inspector, Regional Transport Office. After filing the Writ

Petition, the 2nd respondent has caused showcause notice to the petitioner, calling for explanation why action should not been taken under Section 21 of the Motor Vehicles Act, 1988 and directed the petitioner to appear in person and give his explanation on 30.08.2019.

3. Today, the Learned Additional Government Pleader for the respondents would submit that, the showcause notice sent through post to the petitioner returned with postal endorsement "party left". Therefore, the 2nd respondent has requested the field staff to serve notice to the petitioner through messenger.

4. Further, The Learned Additional Government Pleader for the respondents would submit that, after receipt of the explanation from the petitioner, necessary orders will be passed in the proceedings initiated under Section 21 of the Motor Vehicles Act, 1988.

5. Section 21 of the Motor Vehicles Act relates to Suspension of Driving License of a person who has been previously convicted of an offence punishable under Section 184 of the Motor Vehicles Act.

6. In this case, the petitioner has not been convicted of any offence under Section 184. Therefore, the Driving License of the petitioner cannot be withheld in contemplation of action under Section 21 of the Motor Vehicles Act. Hence, the proceedings of the 2nd respondent is quashed. The 2nd respondent is hereby directed to return the Original Driving License of the petitioner through special messenger personally and get due acknowledgement. The 2nd respondent shall comply the order of this Court, within a period of 7 days, from today.

7. With the above direction, the Writ Petition is disposed of. No Costs.

Sd/-

Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

bsm

To

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

2. The Assistant Licensing Authority-cum-
Motor Vehicle Inspector,
Regional Transport Office, Avinasi,
Tirupur District.

+1cc to Mr.K.Hariharan, Advocate, S.R.No.77812

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BS (CO)
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