

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.09.2019

CORAM

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

W.P.No.27329 of 2019

C.Subramanian

.. Petitioner

/versus/

1.Inspector of Police,
Coimbatore East Police Station,
Coimbatore District.

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

.. Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying for the issue of Writ of Mandamus, directing the 2nd respondent herein to return the original driving license (DL.No.TN 59 19870001418) to the petitioner forthwith.

For Petitioner : Mr.K.Hariharan

For Respondents : Mr.N.Inbanathan
Addl.Govt.Pleader

ORDER

After filing of the writ petition, the second respondent has to issue show cause notice under Section 21(1) of the Motor Vehicles Act with ante date. The said Section can be invoked only after criminal case end in conviction of the license holder and not before it. Therefore, the second respondent is directed to return the driving license of the petitioner forthwith in any event not later than 7 days from the date of receipt of a copy of this order.

2. The second respondent has detained the driving license of the petitioner without any authority. Further to cover up his illegal act has created record as if he has issued show cause notice dated 05.09.2019 through RPAD on 14.09.2019. This has been done after the writ petition came for admission. Hence, the

second respondent shall pay the compensation of Rs.10000/- to the petitioner for detaining the driving license of the petitioner herein without proper authority.

3. With the above direction, this writ petition is disposed of.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1. The Inspector of Police,
Coimbatore East Police Station,
Coimbatore District.
2. The Licensing Authority-cum-
Regional Transport Officer,
Coimbatore South,
Coimbatore.

+1cc to Mr.K.Hariharan, Advocate SR.No.81440
+1cc to The Government Pleader SR.No.81924

akm/22.10.19 /2p-5c/



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