

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.10.2019

CORAM:

THE HONOURABLE DR. JUSTICE G. JAYACHANDRAN

WRIT PETITION NO.28187 OF 2019

R.Rakesh

... Petitioner

Vs

1.The Inspector of Police,
Traffic Investigating Wing,
Poonamallee Police Station,
Chennai West.

2.The Licensing Authority-cum
Regional Transport Officer,
Ambattur, Chennai - 600 053.

... Respondents

Prayer :- This Writ Petition is filed under Article 226 of the Constitution of India to issue a writ of Mandamus, praying to direct the 2nd respondent herein to return the original driving licence (DL.No.20-19980001791) to the petitioner forthwith.

For Petitioner :Mr.K.Hariharan

For Respondents:Mr.N.Inbanathan,
Additional Government Pleader

ORDER

Heard the counsel for the petitioner and the learned Additional Government Pleader for the respondent. After seizing the driving licence of the petitioner on 26.08.2019, the Regional Transport Officer has caused Show Cause Notice to the petitioner, calling for his explanation after a month on 25.09.2019. Even the said notice appears to be not received by the petitioner.

2. The belated issuance of Show Cause Notice after one month of seizure amounts of deprivation of the petitioner's fundamental right. Hence, the first respondent is directed to return the original driving licence of the petitioner forthwith. He shall continue the enquiry proceedings, if necessary and pass appropriate orders after affording due opportunity to the petitioner.

3. While proceeding the enquiry, the respondent shall adhere to the guidelines issued by this Court in W.P.No.26858 of 2019 (S.Lazer Vs. RTO, Tiruppur), dated 26.09.2019.

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

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Sd/-

Assistant Registrar (CJ Conf.)

//True Copy//

Sub Assistant Registrar

1. The Inspector of Police,
Traffic Investigating Wing,
Poonamallee Police Station,
Chennai West.

2. The Licensing Authority-cum
Regional Transport Officer,
Ambattur, Chennai - 600 053.

+1cc to Mr.K.Hariharan, Advocate, SR.No.85150
+1cc to the Govt.Pleader, Vide Sr.No.85124

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Kak(07/11/2019)

सत्यमेव जयते

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