

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 20.11.2019

CORAM:

THE HONOURABLE DR. JUSTICE G.JAYACHANDRAN

Writ Petition No.29606 of 2019

P.Rajendran

.. Petitioner

/versus/

1.The Inspector of Police,
Vadapalani Police Station,
Chennai.

2.The Licensing Authority-cum-
Regional Transport Officer,
Chennai South West,
Virugambakkam, Chennai-92.

.. 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 license (DL.No.TN 25 Z 20040001665) to the petitioner forthwith.

For petitioner : Mr.K.Hariharan

For Respondents : Mr.N.Inbanathan, AGP

O R D E R

The driving license of the petitioner has been seized by the Traffic Police, Vadapalani, since the petitioner has involved in road accident causing death of a pedestrian on 25.09.2019. The petitioner herein has filed the present writ petition seeking return of the driving license on the ground that the 2nd respondent has no power or authority to suspend or revoke his driving license pending criminal case and retention of his driving license is illegal.

2. In response to the writ petition, the 2nd respondent states through the learned Additional Government Pleader that the petitioner caused death of a pedestrian on 25.09.2019. Hence a case has been registered against him in Crime No.403 of 2019 under Section 279 and 304(A) of IPC by the Vadapalani Police

Station. Pursuant to that, the Inspector of Police has given a requisition letter to take action against the petitioner. Accordingly, after scrutiny of the request of the 1st respondent, show cause notice was sent to the petitioner on 30.09.2019 by way of ordinary post and requested the petitioner to participate in the enquiry proceedings. Since the petitioner has not participated in the enquiry, the 2nd respondent is contemplating to pass orders.

3. This Court time and again has directed the Regional Transport Officers in the State to proceed in accordance with law within a time frame and they cannot retain the driving license in contemplation of proceedings under Section 19 of the Motor Vehicles Act and has also directed them to issue show cause notice within 15 days through registered post, so that allegation of non receipt of show cause notice could be avoided. Despite such direction, the 2nd respondent has not sent show cause notice through RPAD. The directions of this Court laid down in S.Lazer Vs. Regional Transport Officer, Tiruppur in W.P.No.26858 of 2019 not followed by some of the Regional Transport Officers in this State.

4. In the said circumstances, the petitioner herein is permitted to give explanation in response to the show cause notice by 26.11.2019 and on receipt of such explanation, the Regional Transport Officer shall pass orders in accordance with law on or before 04.12.2019.

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

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

rpl

To

1.The Inspector of Police,
Vadapalani Police Station,
Chennai.

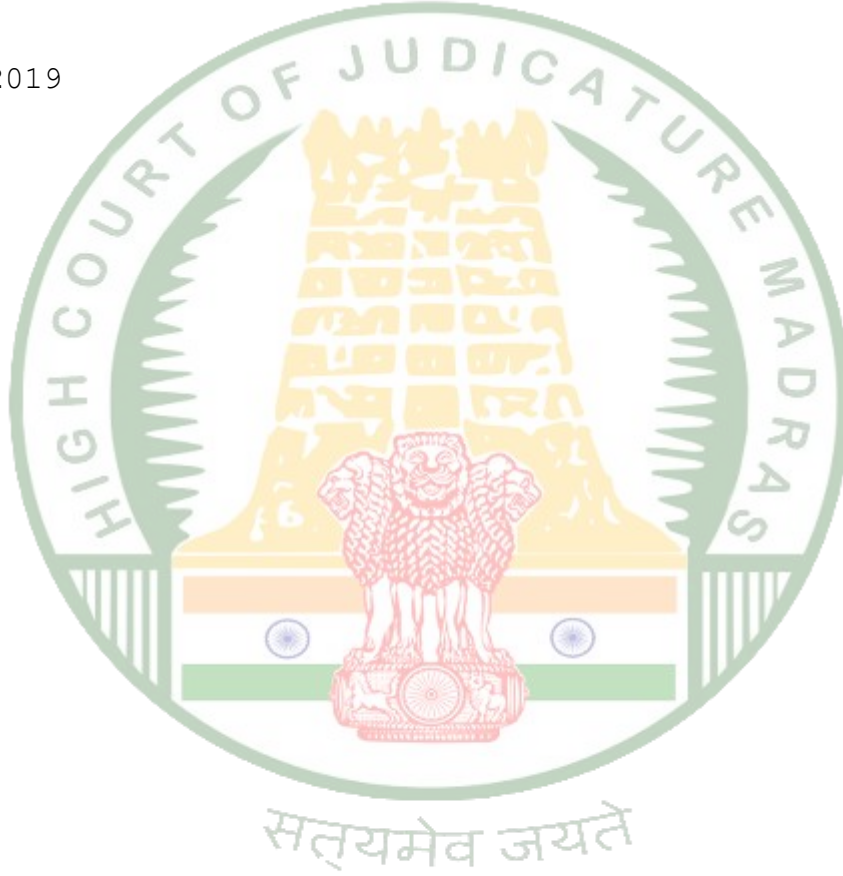
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2.The Licensing Authority-cum-
Regional Transport Officer,
Chennai South West,
Virugambakkam, Chennai-92.

+lcc to Mr.K.Hariharan, Advocate sr.96389
+lcc to Government Pleader SR.NO. 97075

W.P.No.29606 of 2019

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