

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 13.11.2019

CORAM:

THE HONOURABLE DR. JUSTICE G.JAYACHANDRAN

Writ Petition No.30494 of 2019
and
W.M.P.No.30526 of 2019

V.Muruganantham

... Petitioner

Versus

1. The Licensing Authority/
Regional Transport Officer,
Tiruppur South,
Tiruppur.

2. The Inspector of Police,
Vellakovil Police Station,
Vellakovil,
Tiruppur District.

... Respondents

PRAYER:-Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the respondents to return the petitioner's original driving license bearing DL No. TN 47 20060004749 to the petitioner.

For Petitioner ... Mr.V.Ajoy Khose

For Respondents .. Mr.M.Thamizharasan
Government Advocate

सत्यमेव जयते
O R D E R

This Writ Petition is filed by the driver of Tamil Nadu State Transport Corporation. Aggrieved by seizure of driving license by the first respondent in view of accident caused on 13.07.2019. According to the petitioner, the driving license cannot be impounded by the first respondent without proper enquiry and therefore, Writ of Mandamus to be issued to the first respondent to return the original driving license.

2. Heard the learned counsel appearing for the petitioner and the learned Government Advocate appearing for the respondents.

3. After notice, the learned Government Advocate appearing for the first respondent stated that a proper notice was issued to the petitioner herein under Section 19(1) of the Motor Vehicle Act and thereafter, an order of interim suspension of his driving license from 16.07.2019 to 15.01.2020 was passed vide proceedings No.8556-A3-19, dated 26.09.2019 and if the petitioner is aggrieved by the said order, he has get remedy before the Joint Commissioner (Transport), Coimbatore.

4. The learned counsel appearing for the petitioner submits that the order of interim suspension of the driving license was served to the petitioner belatedly and meanwhile, 30 days time for preferring appeal has expired and therefore, seeks condonation of the period prescribed for preferring appeal.

5. In the circumstances of this case, while dismissing the Writ Petition as infructuous, the petitioner is given liberty to prefer appeal against the order of first respondent dated 26.09.2019 on or before 26.11.2019. If any such appeal is filed, the Appellate Authority shall consider and dispose the appeal within a period of 15 days from the date of receipt of appeal.

6. Accordingly, this Writ Petition is disposed of. No costs. Consequently, connected W.M.P is closed.

Sd/-
Assistant Registrar(CCC)

//True Copy//

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To

Sub Assistant Registrar

1. The Licensing Authority/
Regional Transport Officer,
Tiruppur South,
Tiruppur.

2. The Inspector of Police,
Vellakovil Police Station,
Vellakovil,
Tiruppur District.

+1 cc to Mr.V.Ajoy Khose, Advocate, S.R.No.94169

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SAI (CO)
SSM(14/11/2019)