

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 21.11.2019

CORAM:

THE HONOURABLE DR. JUSTICE G.JAYACHANDRAN
Writ Petition No.29901 of 2019

M.Kannan

.. Petitioner

/versus/

1.The Sub Inspector of Police,
HUDCO Police Station,
Hosur, Krishnagiri District.

2.The Regional Transport Officer,
Hosur, Krishnagiri District.

.. 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 petitioner's Driving License bearing DL.No.TN 29Y 1999 0000181, forthwith.

For petitioner : Mr.A.Ganesan
For Respondents : Mr.N.Inbanathan, AGP

O R D E R

The petitioner is a driver in Tamil Nadu State Transport Corporation. While driving his vehicle, he caused accident on 21.09.2019, leading to the death of a motor cyclist. A case was registered against him in Crime No.348 of 2019 under Sections 279 and 304(A) of IPC by the 1st respondent police on 21.09.2019. The driving license of the petitioner was also seized by the police and produced before the Motor Vehicle Inspector, Regional Transport Office, Hosur for inspection. On 24.09.2019, the petitioner has given a representation to the 2nd respondent/Regional Transport Officer to return the driving license. Since his license was not returned, he has filed the present writ petition.

2. After taking notice of the writ petition, the 2nd respondent has passed an order signed on 19.11.2019, wherein he has temporarily suspended the license of the petitioner from 26.09.2019 to 25.12.2019. The said order is a cyclostyle order filling the blanks, wherein in the reference the 2nd respondent has mentioned that the petitioner has given his explanation on 04.11.2019 pursuant to the show cause notice dated 21.10.2019. Whereas while discussing in the order, he has stated that the petitioner has not appeared for the enquiry and not submitted his explanation despite receiving

show cause notice. This clearly indicates the non application of mind of the 2nd respondent also shows that the document is created after filing the writ petition as if he has given an opportunity to the petitioner herein to show cause and based on his explanation/non explanation order has been passed. This sort of behaviour is frequently noticed by this Court whenever the writ petitions are filed for return of the driving license. In another case, this Court has directed the Transport Secretary to instruct the Revenue Transport Officers properly in this regard, but it has went in vain. The persons at the helm of affairs at time behave recklessly to the grievance of the public.

3. The order of temporary suspension of license passed by the RTO pending disposal of this writ petition is without application of mind and contrary to records. Hence, the petitioner is bound to get back his driving license forthwith. Therefore, the 2nd respondent is directed to handover the driving license to the petitioner herein immediately on receipt of this order.

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

Sd/-
Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

rpl
To

1.The Sub Inspector of Police,
HUDCO Police Station,
Hosur, Krishnagiri District.

2.The Regional Transport Officer,
Hosur, Krishnagiri District.

+1cc to Mr.A.Ganesan , Advocate SR.No. 97026
+1 cc to Government Pleader Sr.No. 97569

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A.SK(19/12/2019)