

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 26.11.2019

CORAM:

THE HONOURABLE DR. JUSTICE G.JAYACHANDRAN

Writ Petition No.32351 of 2019

P.Karuppaiah

.. Petitioner

/versus/

1.The Inspector of Police,
Pondy Bazaar Police Station,
Chennai-17

2.The Licensing Authority-cum-
Regional Transport Officer,
Chennai South-West
Chinmaya Nagar, Chennai

.. 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.KA03 19870002007) to the petitioner forthwith.

For petitioner : Mr.K.Hariharan

For Respondents : Mr.N.Inbanathan

Addl.Govt.Pleader

O R D E R

Heard the learned counsel for the petitioner and the learned Additional Government Pleader appearing for the respondents.

2. The driving license of the petitioner has been seized by the 1st respondent, since the petitioner has caused in road accident on 14.10.2019 while driving his bus. Hence a case has been registered against him in Crime No.335 of 2019 under Section 279 and 304(A) of IPC by the 1st respondent police. The 1st respondent has forwarded the driving license of the petitioner to the 2nd respondent for appropriate action. The 2nd respondent after receiving the license has not taken any action, but withholding the license of the petitioner. Hence, the present writ petition is filed stating that the act of the 2nd

respondent withholding the license without authority is contrary in the decision of this Court in P.Sethuram Vs. The Regional Transport Officer, Dindigul reported in 2010 WLR P.100.

3. The learned Additional Government Pleader appearing for the 2nd respondent would submit that the 2nd respondent has caused show cause notice to the petitioner on 05.11.2019 by way of ordinary post and so far the petitioner has not given his explanation in this regard.

4. It is pointed out that, this Court has already in S.Lazer Vs. Regional Transport Officer, Tiruppur in W.P.No.26858 of 2019 instructed all the Regional Transport Officers in the State to follow the fair and proper procedure while initiating action under Section 19 of the Motor Vehicles Act, particularly, it has been emphasized that the show cause notice of the licensee should be issued through RPAD to avoid allegation of non receipt of the show cause notice. In spite of the said direction, the 2nd respondent has stated that show cause notice dated 05.11.2019 was sent by ordinary post. The copy of the show cause notice furnished by the learned Additional Government Pleader indicates that the notice was despatched only on 14.11.2019. There is no plausible reason from the 2nd respondent why notice dated 05.11.2019 was despatched on 14.11.2019 after 9 days that too by ordinary post. The only reason which could be inferred is that the documents are all make belief creations subsequent to the filing of the writ petition to defeat the right of the petitioner. If in future any similar adverse conduct of the 2nd respondent is brought to the notice, it will view seriously.

5. With the said observation, the writ petition is allowed. The 2nd respondent is directed to return the driving license of the petitioner forthwith. No costs.

Sd/-

सत्यमेव जयते Assistant Registrar

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Sub Assistant Registrar

rpl

To

1.The Inspector of Police,
Pondy Bazaar Police Station,
Chennai-17

2.The Licensing Authority - cum -
Regional Transport Officer,
Chennai South-West
Chinmaya Nagar, Chennai.

+1cc to Mr.K.Hariharan, Advocate, SR.No.98742.

+1cc to Government Pleader, SR.No.99439.

W.P.No.32351 of 2019

SSD (CO)
CSR(18/12/2019)



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