



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 28.11.2019

Coram::

The Honourable Dr.Justice G.Jayachandran

W.P.No.32747 of 2019
and W.M.P.No.33169 of 2019

S.Jayavelu

... Petitioner

/versus/

The Licensing Authority,
Regional Transport Officer,
Thirukazhukundram,
Kancheepuram District.

... Respondent

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, praying to issue Writ of Mandamus, directing the respondent to return forthwith the petitioner original driving license bearing No.TN-23-19970001920, without any endorsement.

For Petitioner : Mr.R.Krishnaswamy

For Respondent : Mr.N.Inbanathan

Additional Government Pleader

O R D E R

Heard the Learned Counsel for the Petitioner and the Learned Additional Government Pleader for the Respondent.

2. The case of the petitioner is that, he is a driver working in Tamil Nadu State Transport Corporation. On 26.10.2019, his vehicle met with an accident causing death of two wheeler rider near Narasangkuppam (x) Road Junction. His license was impounded by the Saras Police Station, case was registered in Crime No.309/2019, dated 26.10.2019 under Sections 279 and 304(A) IPC.

3. The Police Inspector has forwarded the original Driving license of the petitioner to the respondent herein for further action. Till date, the respondent has not taken any action neither issued showcase but retaining the Original Diving license without any authority under law. Hence, the present Writ Petition is filed seeking Mandamus to direct the respondent to retain the original driving license of the petitioner bearing No.TN-23-19970001920, forthwith.

4. The Learned Additional Government Pleader appearing for the respondents, on instruction reports that, on receiving the Driving License from the Sadras Police Station on 30.10.2019, the respondent contemplating to take action under Sections 19 & 21 of Motor Vehicles Act. Shortly, the show cause notice will be sent to the petitioner and after receiving his explanation, action will be taken.

5. The respondent cannot seize the Driving License of the Petitioner and initiate against leisurely at his will. This Court, on earlier occasion in S.Lazer Vs. The Regional Transport Officer, Tirupur District, having found that the Licensing Authority are holding the driving license without initiating action under law for indefinite period, had directed the authorities to confine time schedule whenever they contemplate action under Motor Vehicles Act.

6. In this case, even after 23 days of seizure, no action has been initiated. Hence, the respondent is directed to return the Original Driving License of the petitioner forthwith and if any action to be taken, same shall be done in accordance with law, after causing notice to the petitioner.

7. With the above observation, the Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

The Licensing Authority, Regional Transport Officer,
Thirukazhukundram, Kancheepuram District.

+1cc to M/s.V.Ajay Khose, Advocate SR.No.99690

+1cc to The Special Government Pleader SR.No.99946

AKM/02.12.19 /2P-4C/

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