

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 18.01.2019

CORAM:
THE HON'BLE MR.JUSTICE V.BHARATHIDASAN

W.P.No.28979 of 2018
and
WMP.No.33872 of 2018

E.Sivakumar

... Petitioner

Vs.

The Regional Transport Authority/
Licensing Authority,
Office of the Regional Transport Authority,
Ooty, Nilgiris District.

...Respondent

PRAYER : Petition filed under Article 226 of the Constitution of India, praying to issue a writ of Mandamus, directing the respondent to return forthwith the petitioner original driving license bearing No.TN-43-20000000245, without any endorsement and within a specified time.

For Petitioner : Mr.R.Krishnaswamy

For Respondents : Mr.R.Govindasamy
Special Government Pleader

O R D E R

This writ petition has been filed seeking a direction to the respondent to return the original Driving Licence to the petitioner.

2.According to the petitioner, he was a driver in Tamil Nadu State Transport Corporation, (Coimbatore) Ltd and presently working in Coonoor Depot. While he was driving the bus, between Coonoor and Coimbatore, met with an accident on 24.08.2018. Based on that, a criminal case was registered against him by the Inspector of police, Coonoor Police Station in Cr.No.504/2018 under Sections 279 and 304-A IPC. Thereafter, the petitioner's licence was seized by the police and the same was handed over to the respondent/Regional Transport Officer on 26.09.2018 for taking action under section 19 of the Motor Vehicle Act. But, so far no action has been taken by the respondent and the respondent/Regional Transport Officer is holding the licence with him. Hence, the present writ petition is filed.

3.Today, when the matter is came up for hearing, Mr.R.Govindasamy, learned Special Government Pleader appearing for the respondent on instructions submitted that already show

cause notice was issued to the petitioner on 30.10.2018 and enquiry was also fixed on 07.11.2018. But the petitioner did not submit his explanation and he has also not appeared for the enquiry. Hence, the respondent was not in a position to complete the enquiry.

4.The learned counsel appearing for the petitioner submitted that so far the petitioner did not receive any show cause notice from the respondent. In the above said circumstances, he is not in a position to submit his reply.

5.I have heard the rival submissions and perused the materials available on records.

6.Considering the above circumstances, the respondent is directed to issue fresh show cause notice to the petitioner within a period of one week from the date of receipt of a copy of this order and on receipt of the same, the petitioner is directed to submit his explanation within a period of two weeks thereafter. On receipt of such explanation, the respondent is directed to conduct enquiry and pass a reasoned final order on merits and in accordance with law within a period of two weeks thereafter. Until the final order is passed in the proceedings, the respondent has no power to withhold the licence. In the said circumstances, the respondent is directed to return the Licence to the petitioner subject to the result of the enquiry proceedings.

7. With the above directions, this Writ Petition is disposed of. No costs. Consequently, connected WMP is closed.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

rrg/arb

To

The Regional Transport Authority/
Licensing Authority,
Office of the Regional Transport Authority,
Ooty, Nilgiris District.

+1cc to the Government Pleader, S.R.No.4588
+1cc to Mr.V.Ajay Khose, Advocate, S.R.No.3940

W.P.No.28979 of 2018

SSI (CO)
rrs 13/03/2019