

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 02.01.2019

CORAM:

THE HON'BLE MR.JUSTICE V.BHARATHIDASAN

W.P.No.33350 of 2018

S.Selvam

... Petitioner

Vs.

1. The Inspector of Police,
Jolarpettai Police Station,
Vellore District.

2. The Licensing Authority cum Motor
Vehicle Inspector,
Regional Transport Office,
Vaniyambadi.
Vellore District.

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India, praying to issue a writ of MANDAMUS, directing the 2nd respondent herein to return the petitioner's original driving license (D.L.No.TN 22 20010012904) to the petitioner.

For Petitioner : Mr.D.Jagadeesan

For Respondents : Mr.R.Govindasamy
Special Government Pleader

O R D E R

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

2.According to the petitioner, he is a driver in Tamil Nadu State Transport Corporation, and the bus driven by him was met with an accident on 04.11.2018. Based on that, a criminal case was registered against him by the first respondent police in Cr.No.364/2018 under Sections 279 and 304(A) IPC. Thereafter, the first respondent/Inspector of Police seized his licence and produced the same for taking action before the second respondent/Regional Transport Office under section 19 of the Motor Vehicle Act. But, so far no action has been taken by the second respondent and the second respondent/Regional Transport Office is holding the licence with them. Hence, the present writ petition is filed.

3. Earlier notice ordered to the respondents. Today, when the matter is taken up for hearing, the learned Special Government Pleader appearing for the respondents submitted that already an enquiry has been initiated under section 19(1) of the Act and a show cause notice was also issued to the petitioner on 15.11.2018 for further action. The petitioner also submitted his objection. Thereafter, enquiry was conducted on 05.12.2018. But, so far no order has been passed.

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

5. Considering the fact that as already enquiry has been initiated under section 19(1) of the Act and show cause notice was also issued to the petitioner and the petitioner was also submitted his objection, the second respondent is directed to complete the enquiry and pass reasoned order on merits and in accordance with law within a period of two weeks from the date of receipt of a copy of this order. In the said circumstances, the second respondent is directed to return the Licence to the petitioner subject to the result of the enquiry proceedings.

6. With the above directions, this Writ Petition is disposed of. No costs.

vsn/rrg

Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

To

1.The Inspector of Police,
Jolarpettai Police Station,
Vellore District.

2.The Licensing Authority cum Motor
Vehicle Inspector,
Regional Transport Office,
Vaniyambadi. Vellore District.

+1cc to Mr.D.Jagadeesan, Advocate, S.R.No.68
+1cc to the Government Pleader, S.R.No.1034.

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NMI (CO)
KAK(07/01/2019)

02.01.2019



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