

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 23.01.2019

CORAM
THE HONOURABLE Mr.JUSTICE V.BHARATHIDASAN
W.P. 33689 of 2018

R.Ganesh Kumar

... Petitioner

Vs

1.The Licensing Authority-cum-
Regional Transport Officer,
Salem West, Salem.

2.The Inspector of Police,
Deevattipatti Police Station,
Deevattipatti,
Salem District.

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India, praying to issue Writ of Mandamus to direct the 1st respondent herein to return the petitioner's Driving Licence bearing DL.No.TN27 1999 0004784 forthwith.

For Petitioner :Mr.A.Ganesan

For Respondents :Mr.R.Govindasamy,
Special Government Pleader

O R D E R

This Writ Petition has been filed seeking a direction to the first respondent to return the original Driving Licence to the petitioner.

2. According to the petitioner, he is a driver in a Private Company and the bus driven by him was met with an accident on 02.12.2018. Based on that, a criminal case was registered against him in Cr.No.714/2018. Thereafter, the second respondent/Inspector of Police seized his licence and produced the same before the first respondent/Regional Transport Office under section 19 of the Motor Vehicle Act. The first respondent without initiating any proceedings under Section 19(1) of the Motor Vehicles Act holding the licence with them. Hence, the present writ petition is filed.

3. Today, when the matter is taken up for the hearing, the learned Special Government Pleader, appearing for the respondents submitted that the 1st respondent has received the driving license and he will initiate the suitable proceedings under section 19(1) of the Act and a show cause notice also will be issued to the petitioner, and on receipt of the same, the

petitioner may be directed to submit his objections.

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

5. Considering the fact that the 1st respondent has received the driving license from the 2nd respondent, the 1st respondent is directed to issue show cause notice to the petitioner within a period of two weeks from the date of receipt of the copy of this order. On receipt of show cause notice, the petitioner is directed to submit his objection, before the first respondent, within a period of two weeks thereafter. On receipt of the same, the first respondent is directed to conduct enquiry and pass a reasoned order on merits and in accordance with law within a period of four weeks thereafter. In the Meantime, the first 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.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

rpp

To

1.The Licensing Authority-cum-
Regional Transport Officer,
Salem West, Salem.

2.The Inspector of Police,
Deevattipatti Police Station,
Deevattipatti,
Salem District.

+lcc to the Government Pleader, S.R.No.5486

W.P. 33689 of 2018

MP(CO)

rrs 28/01/2019

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