

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.01.2019

CORAM:

THE HON'BLE MR.JUSTICE V.BHARATHIDASAN

W.P. No.34030 of 2018

B.Palani

... Petitioner

Vs.

1.The Regional Transport Officer,
Redhills. Chennai 67.

2.State by
The Inspector of Police,
Cholavaram Police Station,
Cholavaram,
Tiruvallur District.

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India, praying to issue a writ of MANDAMUS, directing the first respondent to return the original driving license of the petitioner bearing No. TN20Z20020002722.

For Petitioner : Mr.M.Krishnamoorthy

For RR1 & R2 : Mr.R.Govindasamy
Special Government Pleader

ORDER

This writ petition has been filed seeking direction to the first 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 05.11.2018. Based on that, a criminal case was registered against him by the second respondent police in Cr.No.740/2018 under Sections 279, 337 and 304-A IPC. Thereafter, the second respondent/Inspector of Police seized his licence and produced the same for taking action before the first respondent/Regional Transport Office under section 19 of the Motor Vehicle Act. But, so far no action has been taken by the first respondent and the first respondent/Regional Transport Officer is holding the licence with them. Hence, the present writ petition is filed.

3. Earlier notice was ordered to the respondents. Today, when the matter is taken up for the 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 13.11.2018 for further action. The petitioner also filed his objection on 16.11.2018 and so far enquiry was not conducted.

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 filed his objection, the first respondent is directed to complete the enquiry and pass a final 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. Until the final order is passed in the proceedings, the first respondent has no power to withhold the licence. In the said circumstances, 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.

vsn/rrg

Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

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Tiruvallur District.

+1cc to Mr.M.Krishnamoorthy, Advocate, S.R.No.109
+1cc to the Government Pleader, S.R.No.1035

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