

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.01.2019

CORAM:

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

W.P.No.33967 of 2018

M.Muppidathi

...Petitioner

Vs

1. Inspector of Police,
Deevattipatti Police Station,
Salem District.

2. The Licensing Authority-cum-
Regional Transport Officer,
Omalur,
Salem District.

...Respondents

Prayer:- Writ Petition has been filed under Article 226 of Constitution of India, prayed to issue Writ of Mandamus to direct the second respondent herein to return the original driving license (DL. No.TN472 2005 0009484) to the petitioner forthwith.

For Petitioners : Mr.K.Hariharan

For Respondents : Mr.R.Govindasamy
Special Government Pleader

सत्यमेव जयते

ORDER

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 a State Express Transport Corporation of Chennai and the bus driven by him was met with an accident on 01.12.2018. Based on that, a criminal case was registered against him by the first respondent police in Cr.No.713/2018 under Section 279 & 304-A of 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. Today, when the matter is taken up for the hearing, the learned Special Government Pleader, appearing for the second respondent 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 for further action. But, so far the petitioner did not file his objection and hence, enquiry is pending.

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, the petitioner is directed to submit his objection, before the second respondent, within a period of two weeks from the date of receipt of a copy of this order. On receipt of the same, the second respondent is directed to conduct enquiry and pass a final reasoned order on merits and in accordance with law, within a period of four weeks thereafter. Until the final order is passed in the proceedings, the second respondent has no power to withhold the licence. 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.

dh/kal

सत्यमेव जयते

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

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

2. The Licensing Authority-cum-
Regional Transport Officer,
Omalur,
Salem District.

+1cc to Mr.K.Hariharan, Advocate, S.R.No.1109

+1cc to the Government Pleader, S.R.No.1493

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