

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 08.01.2019

CORAM:

THE HON'BLE MR.JUSTICE V.BHARATHIDASAN

Writ Petition No.34384 of 2018

S.Ramachandran

... Petitioner

-Vs-

1.The Inspector of Police,
Sulur Police Station,
Coimbatore.

2.The Licensing Authority cum
Regional Transport Officer,
Coimbatore South, Coimbatore.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus directing the 2nd respondent to return the original driving licence (DL NO. TN4 37 1990 0002629) to the petitioner forthwith.

For Petitioner : Mr.K.Hariharan

For Respondents : Mr.R.Govindasamy, Spl.
G.P. for R1 & R2

ORDER

This writ petition has been filed seeking a direction to the 2nd respondent to return the original Driving Licence of the petitioner.

2. According to the petitioner, he is working as a driver in Tamil Nadu State Transport Corporation, Coimbatore. While he was on duty, on 06.12.2018, the bus bearing Regn. No. TN 38 N 3136, which was driven by him, met with an accident. Pursuant to a complaint, a criminal case has been registered against him in Crime No.1026 of 2018 by the 1st respondent for alleged offences u/s. 279 and 304-A of IPC. Thereafter, pending investigation, the 2nd respondent/Inspector of Police seized the license of the petitioner and produced the same before the 2nd

respondent/Regional Transport Office for initiating action under section 19 of the Motor Vehicles Act. But, so far no action no order has been passed and the 2nd respondent is withholding the license with him without any basis. Hence, the present writ petition.

3. On 03.01.2019, notice was ordered to the respondents. Today, when the matter came up for the hearing, the learned Spl. Government Pleader appearing for the respondents submitted that the 2nd respondent has already initiated an enquiry as contemplated under section 19(1) of the Act and a show cause notice has also been issued to the petitioner. But, so far the petitioner did not file his objection and hence, enquiry is pending. Once the petitioner filed his objections to the show cause notice, final orders will be passed after due enquiry.

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

5. Considering the fact that the 2nd respondent has already initiated enquiry proceedings under section 19(1) of the Act and a show cause notice has also been issued to the petitioner, the petitioner is directed to submit his objections to the 2nd respondent within a period of two weeks from the date of receipt of a copy of this order. On receipt of such objection, the 2nd respondent is directed to conduct an enquiry and pass a reasoned final order on merits and in accordance with law within a period of four weeks thereafter. The 2nd respondent is directed to return the driving license to the petitioner forthwith and the petitioner shall surrender the same to the 2nd respondent subject to the outcome of the order to be passed by the 2nd respondent as provided under Section 19(1) of the Motor Vehicles Act.

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

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

kmk

To

1.The Inspector of Police,
Sulur Police Station,
Coimbatore.

2.The Licensing Authority cum
Regional Transport Officer,
Coimbatore South, Coimbatore.

+1cc to Mr.K.Hariharan, Advocate, SR.NO.2032

+1cc to The Govt.Pleader, High Court, Vide SR.NO.2317.

W.P.No.34384/2018

KAK(11/01/2019)



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