



WEB COPY



1

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.11.2024

CORAM

THE HON'BLE Mr. JUSTICE **C.V.KARTHIKEYAN**

W.P.No.35245 of 2024

V.Ravi

.. Petitioner

Vs.

1.The Inspector of Police,
Kandhili Police Station,
Tirupattur District.

2.The Licensing Authority cum Motor Vehicle Inspector,
Elavampatti,
Tirupattur District.

.. Respondents

Prayer: Writ 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.27-1991 0000 247 to the petitioner.

For Petitioner

.. Mr.D.Jagadeesan

For Respondents

.. Mr.S.J.Mohamed Sathik
Government Advocate

ORDER

This writ petition has been filed in the nature of mandamus seeking a direction to the 2nd respondent, Licensing Authority cum Motor Vehicle Inspector, Elavampatti,



Tirupattur District to return the original driving license bearing D.L.No.TN 27 1991 0000 247 to the petitioner.

2.In the affidavit filed in support of the writ petition, it had been stated that the writ petitioner is a driver in Tamil Nadu State Transport Corporation, Villupuram. On 21.09.2024, when he was on duty and driving bus bearing Registration No.TN29 2561 from Tirupattur to Kandhili, when the bus had reached Kasinayakkanpatti Tea Time Shop, there was an accident with a bike rider. Unfortunately, the rider of the bike died. An FIR in Crime No.513 of 2024 had been registered on 21.09.2024 under Sections 281 and 106(1) of IPC. It had been stated that the 2nd respondent had confiscated the driving license of the petitioner. It is under those circumstances, this writ petition has been filed.

3.It is trite in law to point out that there cannot be confiscation of a driving license. The 2nd respondent can issue a Show Cause Notice to the petitioner herein and after considering the explanation given by the petitioner, appropriate orders may be passed. There is no record to show Show Cause Notice had been issued to the petitioner herein.

4.In view of the facts, the following order is passed:



- (a) the 2nd respondent shall issue the Show Cause Notice to the petitioner, within a period of two weeks from the date of receipt of copy of this order:
- (b) the Petitioner shall submit his explanation to the Show Cause Notice.
- (c) it shall be incumbent upon the Second Respondent to immediately consider the explanation submitted by the Petitioner for the show cause notice
- (d) if any other details or supporting documents are necessary, the deficiencies in that regard shall be informed in writing by the Second Respondent to the Petitioner requiring the same to be furnished within two clear working days from the date of its receipt by him;
- (e) an enquiry shall be conducted thereafter affording full opportunity of personal hearing to the Petitioner to explain his position in that regard;
- (f) a reasoned order shall be passed dealing with each of the contentions raised on merits and in accordance with law and the decision taken communicated under written acknowledgment;
- (g) in the event that the Second Respondent is not able to pass final orders within the period of three months from the actual date of seizure of the driving license of the Petitioner by the First Respondent, the driving license of the Petitioner shall be then forthwith returned to him with endorsement to the effect that the Petitioner shall not be precluded from driving the vehicles for which he is otherwise authorized from that date onwards, subject to the result of the proceedings in



which final orders would follow later;

WEB COPY

5.The entire proceedings should be concluded within a period of four weeks from the date on which the reply of the petitioner is received by the 2nd respondent for the Show Cause Notice.

6.In the result, this writ petition stands disposed of. No Costs.

28.11.2024

Index:Yes/No

Internet:Yes/No

Speaking Order/Non-Speaking Order

Neutral Citation:Yes/No

ssr



To

WEB GORN

1.The Inspector of Police,
Kandhili Police Station,
Tirupattur District.

2.The Licensing Authority cum Motor Vehicle Inspector,
Elavampatti,
Tirupattur District.



WEB COPY

6



C.V.KARTHIKEYAN,J.

ssr

W.P.No.35245 of 2024

28.11.2024