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THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : WP(C)/5259/2023

HAFIZUDDIN UDDIN
S/O- LT. A. UDDIN R/O- VILL- KATANI GAON P.O - PATTHORI, P.S- SADAR
NAGAON PIN - 782003

VERSUS

THE STATE OF ASSAM AND ANR.
REPRESENTED BY THE COMMISSIONER AND SPECIAL SECRETARY TO
THE GOVERNMENT OF ASSAM, DEPARTMENT OF TRANSPORT, ASSAM
SACHIVALAYA, DISPUR, GUWAHATI-6

2:THE LICENSING AUTHORITY CUM DISTRICT TRANSPORT OFFICER.
NAGAON P.S- SADAR NAGAR
P.O- NAGAON DIST- NAGAON
PIN - 782001

Advocate for the Petitioner : MR. S DAS, MR H GOGOI,MR K DAS,MRS. R T DAS

Advocate for the Respondent : SC, TRANSPORT,

BEFORE
HONOURABLE MR. JUSTICE MICHAEL ZOTHANKHUMA

ORDER

27.11.2024

1. Heard Mr. K. Das, learned counsel for the petitioner. Also heard Ms. M.D. Borah, learned Standing Counsel, Transport Department for all the respondents.

2. The petitioner's grievance is against the cancellation of his Driving Licence No.AS 02 19970027257 by the Licencing Authority, Nagaon-cum-District Transport Officer, Nagaon, withough giving any chance to the petitioner to defend his case.

3. Mr. K. Das submits that the cancellation of the petitioner's licence without issuing any notice to him, is in violation of Section 19 of the Motor Vehicle Acts, 1988 (hereinafter referred to as the "M.V. Act, 1988"). Accordingly, the cancellation of the petitioner's Driving Licence should be set aside, as the same is in violation of the principles of natural justice.

4. Ms. M.D. Borah, learned Standing Counsel, on the other hand submits that in terms of Section 19(3) of the M.V. Act, 1988, there is an alternative remedy available to the petitioner, by which he can approach the Commissioner of Transport, Assam under Rule 12 of the Assam Motor Vehicles Rules, 2003 (hereinafter referred to as the "M.V. Rules, 2003"), with regard to the challenge made to the cancellation of the petitioner's Driving Licence.

5. The matter pertains to the death of the driver of the other vehicle which collided with the vehicle driven by the petitioner. The petitioner was driving in the wrong lane. On considering the submission made by the counsels for the parties and keeping in view that there is an efficacious alternative statutory remedy available, which can be availed off by the petitioner, this Court is of the view that the present writ petition is not maintainable. Accordingly, the

petitioner is given the liberty to approach the Appellate Authority, in terms of the M.V. Act, 1988 and the M.V. Rules, 2003 for redressal of his grievance. It is also made clear that in the event the appeal filed by the petitioner is beyond the limitation period, the Appellate Authority shall consider condoning the delay in approaching the Appellate Authority. The petitioner should file his appeal before the Appellate Authority within a period of 2 (two) weeks from today. It is hoped and expected that the petitioner's appeal, if any, should be disposed of expeditiously and preferably within a period of 1 (one) month from the date of receipt of the appeal petition.

6. The writ petition is accordingly disposed of.

JUDGE

Comparing Assistant