



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.02.2015

CORAM :

THE HONOURABLE MR. JUSTICE K. RAVICHANDRABAABU

Writ Petition (MD) No.15489 of 2014

WEB COPY

K.Selvaraj

... Petitioner

Vs.

1.The Regional Transport Officer,
Regional Transport Office,
Trichirappalli West,
Trichirappali 9

2.The Regional Transport Officer,
Nagapattinam,
Nagai District.

... Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandams calling for the records pertaining to the impugned notice issued by the 1st respondent in Na.Ka.No.48553/E2/2014 dated 22.8.2014 quash the same and consequently direct the respondents to return the petitioner's original driving license within the time limit that may be fixed by this Honble court.

For Petitioner : Mr.A.Rahul

For Respondents : Mr.R.Anandaraj,
Government Advocate.

ORDER

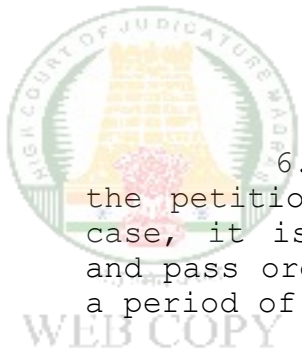
The present writ petition has been filed challenging the show cause notice issued by the first respondent on 22.08.2014.

2.The main contention of the petitioner is that the said show cause notice has been issued by invoking a wrong provision under Section 21 of the Motor Vehicles Act. It is his case that show cause notice should have been issued only under Section 19 of the said Act.

3.Heard the learned counsel on either side.

4.The petitioner has not questioned the competency of the authority who issued the show cause notice. His grievance is that wrong provision has been stated in the show cause notice. I am of the view that such contention cannot be a ground to interfere with the show cause notice as it is for the petitioner to satisfy the authorities by giving explanation to the show cause notice.

5.It is well settled that this Court while exercising power under Article 226 of the Constitution of India cannot interfere with the show cause notice when the same has been issued by the competent authority.



6.It is stated by the learned counsel for the petitioner that the petitioner has already given reply on 03.09.2014. If that is the case, it is for the first respondent to consider the said explanation and pass orders on the same, on merits and in accordance with law within a period of two weeks from the date of receipt of a copy of this order.

7.With the above direction, the writ petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar

/TRUE COPY/

Sub Assistant Registrar

To

1.The Regional Transport Officer,
Regional Transport Office,
Trichirappalli West,
Trichirappali 9

2.The Regional Transport Officer,
Nagapattinam,
Nagai District.

+1cc to Mr.A.Rahul,Advocate, SR.No.8145

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sms

PA/25.02.15/2P/4C (IT)