

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 22.04.2016

CORAM:

THE HONOURABLE MR.JUSTICE M.DURAI SWAMY

W.P.No.14792 of 2016

and

W.M.P.Nos.12931 to 12933 of 2016

C.Ravindran

... Petitioner

Vs.

The Secretary,  
Regional Transport Authority,  
Hosur, Krishnagiri District.

... Respondent

Writ Petition is filed under Article 226 of the Constitution of India praying for issuance of writ of certiorarified mandamus to call for the records of the respondent relating to the file in letter R.No.7809/A4/2016 dated 24.03.2016 and to quash the same and consequently direct the respondent to release the petitioner's bus OD-21/A-1697 forthwith.

For Petitioner : Mr.K.Hariharan

For Respondent : Mr.M.S.Ramesh,  
Additional Government Pleader

सत्यमेव जयते  
O R D E R

The above Writ Petition has been filed by the petitioner to issue a writ of certiorarified mandamus to call for the records of the respondent relating to the letter dated 24.03.2016 and to quash the same and consequently, to direct the respondent to release the petitioner's Bus bearing Registration No.OD 21 A 1697.

2.The learned counsel appearing for the petitioner submitted that inspite of the petitioner's request to the respondent to give an opportunity of personal hearing vide his reply dated 21.03.2016, the respondent has passed the impugned order without giving an opportunity of personal hearing, which is violative of principles of natural justice. Further, the learned counsel submitted that so far as the release of the vehicle is concerned, inspite of the order passed by this

Court on 15.03.2016 in W.P.No.8780 of 2016, the respondent has not considered the same.

3.Mr.M.S.Ramesh, learned Additional Government Pleader taking notice for the respondent submitted that since the petitioner is seeking for an opportunity of personal hearing, the impugned order may be set aside on that ground and the respondent may be directed to decide the matter afresh, after giving due opportunity to the petitioner.

4.In view of the submissions made by the learned counsel on either side, since the petitioner was not given an opportunity of personal hearing, which is violative of principles of natural justice, the impugned order dated 24.03.2016 is liable to be set aside. Accordingly, the same is set aside and the matter is remanded to the respondent for fresh consideration.

5.The learned counsel for the petitioner submitted that the petitioner would appear before the respondent for enquiry on 04.05.2016.

6.The petitioner shall also make his submissions before the respondent for the release of the vehicle. The respondent is directed to decide the matter afresh and pass orders, after affording due opportunity of personal hearing within a period of two weeks from 04.05.2016. The respondent is also directed to pass orders with regard to the release of the vehicle sought for by the petitioner.

7.With these observations, the Writ Petition is disposed of. No costs. Consequently, the connected miscellaneous petitions are closed.  
va

Sd/-

सत्यमेव जयते  
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

The Secretary,  
Regional Transport Authority,  
Hosur, Krishnagiri District.

+ 1 cc to Mr.K.Hariharan, Advocate Sr 25070

+ 1 cc to The Govt.Pleader, Sr 25427

KR/26/4/16

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