

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.03.2016

CORAM:

THE HONOURABLE MR.JUSTICE M.DURAI SWAMY

W.P.No.37594 of 2015
and
M.P.No.1 of 2015

M/s.Paramasivam Driving School,
Rep. By its Proprietor,
S.Paramasivam. Petitioner

Vs.

- 1.The Transport Commissioner,
Chepuak,
Chennai - 600 005.
- 2.The Joint Commissioner,
Chennai South Zone,
Chennai- 600 083.
- 3.The Licensing Authority
-cum Regional Transport Officer,
Chengalpet, Kancheepuram District.
- 4.The Motor Vehicle Inspector,
Grade - I, Unit Office,
Madurantagam,
Kancheepuram Distrcit. ... Respondent

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus calling for the records relevant to the order in Se.Mu.AA.No.25393/A2/2014 dated 19.01.2015 passed by the 3rd respondent and quash the same as illegal, improper, unreasonable, against the rule of law and natural justice and thereby direct the respondents to permit the petitioner to run his driving school.

For Petitioner : Mr.A.Rajesh Kanna
For Respondents: Mr.A.Zakir Hussain
Government Advocate.

O R D E R

The petitioner has filed the above writ petition to issue a Writ of Certiorarified Mandamus to call for the records on the file of the third respondent dated 19.01.2015 and quash

the same and also direct the respondents to permit the petitioner to run his driving school.

2. It is the case of the petitioner that the third respondent had passed the impugned order dated 19.01.2015 without giving them an opportunity of hearing. On perusal of the materials available on record, it could be seen that the petitioner had sent a letter to the third respondent requesting a week's time for appearing before the third respondent to put forth their case. Admittedly, the said letter was received by the third respondent on 19.01.2015. However, the third respondent ignoring the letter received on 19.01.2015, passed the impugned order on 19.01.2015 itself. Admittedly, the rejection of petition sent by the petitioner seeking for a week's time for appearing before the third respondent was not communicated to the petitioner. In stead, the third respondent had passed the impugned order on the very same day without giving the petitioner an opportunity of hearing.

3. Mr.A.Zakir Hussain, the learned Government Advocate appearing for the respondents submitted that since the Proprietor of the petitioner driving school has been shifting his residence from one place to other, the notices sent by the respondents were returned unserved for various reasons. He further submitted that previously the petitioner was granted sufficient time for filing their objections and for appearing before the third respondent. However, the petitioner failed to utilize the opportunities given by the respondents on different occasions.

4. Since the request made by the petitioner for extension of time was not granted and that the matter was decided by the third respondent without giving an opportunity of hearing to the petitioner, I am of the view that the impugned order dated 19.01.2015 is liable to be set aside. Accordingly, the same is set aside and the matter is remanded to the third respondent for fresh consideration. The third respondent is directed to decide the matter afresh after affording due opportunity of personal hearing to the petitioner and also giving an opportunity to the petitioner to file their objections.

5. The learned counsel for the petitioner submitted that the petitioner would appear before the third respondent on 28.03.2016. The petitioner shall give the current address to the third respondent at the time of appearing before the third respondent.

6. The learned counsel for the petitioner submitted that the third respondent may be directed to give one more copy of the Field Inspection Report dated 17.06.2014 to the petitioner on 28.03.2016.

7. Accordingly, I direct the third respondent to give one more xerox copy of the Field Inspection Report dated 17.06.2014 to the petitioner on 28.03.2016, when the petitioner appears for hearing before the third respondent. In the event of the petitioner not appearing before the third respondent on 28.03.2016, the third respondent is at liberty to pass orders in accordance with law.

With these observations, this Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is also closed.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

vsm
To

- 1.The Transport Commissioner,
Chepuak,
Chennai - 600 005.
- 2.The Joint Commissioner,
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Chennai- 600 083.
- 3.The Licensing Authority
-cum Regional Transport Officer,
Chengalpet, Kancheepuram District.
- 4.The Motor Vehicle Inspector,
Grade - I, Unit Office,
Madurantagam,
Kancheepuram Distrcit.

+1cc to Mr.M.V. Muralidharan, Advocate, S.R.No.18179

SCD(CO)
EU(23/03/2016)

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