

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.02.2016

CORAM

THE HON'BLE Mr. JUSTICE M.DURAISWAMY

W.P.No.2742 of 2016 and  
W.M.P.No.2288 of 2016

Venkateswari

... Petitioner

Vs.

The Regional Transport Officer,  
Attur - 636 102, Salem District.

... Respondent

Petition filed under Article 226 of The Constitution of India praying to issue a writ of certiorarified mandamus calling for the records of the respondent made in R.No.45869/A3/2015 dated 08.01.2016 and quash the same and consequently direct the respondent to return the Registration Certificate in respect of the vehicle bearing Registration No.KA 13 C 0001 to the petitioner forthwith.

For Petitioner : Mr.A.Ganesan

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

O R D E R

The petitioner has filed the above Writ Petition to issue a writ of certiorarified mandamus calling for the records of the respondent made in R.No.45869/A3/2015 dated 08.01.2016 and to quash the same and consequently, to direct the respondent to return the Registration Certificate in respect of the vehicle bearing Registration No.KA 13 C 0001 to the petitioner forthwith.

2.It is the case of the petitioner that the respondent had issued the demand notice dated 08.01.2016 even without issuance of a show cause notice.

3.On a perusal of the records, it is clear that the respondent had not issued any show cause notice prior to the issuance of demand notice.

4.Mr.M.S.Ramesh, learned Additional Government Pleader taking notice for the respondent submitted that the respondent may be directed to issue show cause notice and decide the

matter afresh after giving an opportunity to the petitioner.

5. Having regard to the submissions made by the learned counsel on either side, taking note of the fact that the respondent had not issued any show cause notice to the petitioner prior to the issuance of the demand notice dated 08.01.2016, the same is liable to be set aside. Accordingly, the impugned order dated 08.01.2016 is set aside and the respondent is directed to issue show cause notice to the petitioner and decide the matter afresh, on merits and in accordance with law, after giving an opportunity of personal hearing to the petitioner.

6. Since the respondent is holding the Registration Certificate pertaining to the vehicle bearing Registration No. KA 13 C 0001, I direct the respondent to return the Registration Certificate to the petitioner. The petitioner is directed to produce the Registration Certificate as and when required by the respondent and the petitioner is also directed to file an affidavit to that effect before the Registry of this Court on or before 19.02.2016. The affidavit to be filed by the petitioner shall form part of the record.

7. With these observations, the Writ Petition is allowed. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-IV)

//True Copy//

Sub Assistant Registrar

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To

The Regional Transport Officer,  
Attur - 636 102, Salem District.

+1 cc to Mr. A. Ganesan, Advocate, sr.9597

+1 cc to The Government Pleader, sr.9995

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ug co

kra 19.02.2016