

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.10.2016

CORAM

THE HONOURABLE Mr. JUSTICE T.S.SIVAGNANAM

W.P.No.33518 of 2016

M.Chinnasamy

.. Petitioner

..Vs..

The Regional Transport Officer
Tiruppur (North)
Tiruppur.

.. Respondent

Prayer:

Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorari to call for the records relating to the impugned proceedings of the respondent herein in No.4593/A2/2014, dated 07.04.2014, quash the same.

For Petitioner : Mr.K.Govi Ganesan

For Respondents : Mr.R.Govindasamy
Special Government Pleader

ORDER

Heard Mr.K.Govi Ganesan, learned counsel for the petitioner and Mr.R.Govindasamy, learned Special Government Pleader accepting notice on behalf of the respondent. With the consent of the learned counsel appearing on either side, the Writ Petition itself is taken up for disposal.

2.The petitioner has come forward with this Writ Petition challenging the order dated 07.04.2014, whereby the petitioner's driving licence has been cancelled on the ground that he had caused a road traffic accident, in which four people died.

3.The petitioner's only grievance is that the respondent has passed the impugned order, without giving an opportunity of personal hearing.

4.To verify the correctness of the submissions, the learned Special Government Pleader was directed to get instructions in the matter. Accordingly, written instruction has been given by the respondent to the learned Government Pleader dated 03.10.2016, from which it is seen that the show cause notice was issued by the Licensing Authority by Memo dated 6.3.2014, directing the petitioner to appear on 24.3.2014, for a personal hearing. The said Memo was delivered to the petitioner by the Postal Deptment vide acknowledgment dated 11.3.2016. Since the petitioner did not appear on 24.3.2014, the authority proceeded to conclude the proceedings and cancelled the licence.

5.A perusal of the impugned order shows that it is a printed format. When the Licencing Authority exercises his power under the

provisions of the Motor Vehicles Act and passes an order of cancellation of licence, the order should given reasons and the reasons will be different for different type of cases. Therefore,the respondent could not have adopted a printed format for passing the impugned order.

6.Considering the fact that the petitioner is a professional driver and because of the cancellation of licence, his livelihood itself would be affected, this Court is of the view that one more opportunity should be granted to the petitioner and he may be heard in person. Only for that reason, this Court is remanding the matter to the respondent for fresh consideration.

7.Accordingly, the Writ Petition is allowed, the impugned order is quashed and the petitioner is directed to appear before the respondent on 24.10.2016, along with the copy of this order and after affording an opportunity of personal hearing and considering the submissions, the respondent shall pass a speaking order on merits and in accordance with law, within a period of one week therefrom. No costs.

04.10.2016

T.S.SIVAGNANAM, J

rpa

To

The Regional Transport Officer
Tiruppur (North)
Tiruppur.

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