



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.09.2016

C O R A M

WEB COPY

THE HONOURABLE DR.JUSTICE S.VIMALA

Writ Petition (MD) No.15586 of 2016
and
WMP (MD) Nos.11454 & 11455 of 2016

A.S.Maheskumar

.. Petitioner

Vs.

The Lincensing Authority,
Regional Transport Officer,
Dindigul.

.. Respondent

Prayer: Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus calling for records pertaining to the impugned order passed by the respondent in Se.Mu.No.6046/A1/2016 dated nil signed by the respondent on 05.07.2016 quash the same and consequently direct the respondent to return original driving license of the petitioner within a stipulated time.

For petitioner ... Mr.A.Rahul
For Respondent ... Mr.T.S.Mohamed Mohideen
Additional Government Pleader

O R D E R

The order passed by the respondent, dated 05.07.2016 suspending the driving license of the petitioner for a period of from 01.07.2016 to 31.07.2016, is under challenge in this writ petition.

2.Heard the learned counsel for the petitioner and learned Additional Government Pleader for the respondent.

3.The learned counsel for the petitioner would submit that even though the impugned order speaks about the explanation given by the petitioner and the consequent consideration of the same by the authorities concerned, a perusal of the order did not indicate that those objections stated by the petitioner has been considered and therefore, this order is liable to be set aside.

<https://hcservices.ecourts.gov.in/hcservices>
4.The learned Additional Government Pleader for the respondent would submit that in the order itself, it has been indicated that there is a provision for alternative remedy and



therefore, the writ petition is not maintainable.

5. In reply, the learned counsel for the petitioner submitted that when the order is devoid of merits in not giving any reasons and when the principles of natural justice is not followed, then there is no necessity to go for alternative relief and therefore, the writ petition is maintainable.

6. Prima facie, a perusal of the order would reveal that the objections have been called for and objections have been submitted by the petitioner. If it is so, the details of the objections raised and the consideration of the same would have found place in the order. But nothing is found in the order, dated 05.07.2016. There is a vacuum in not furnishing reasons as to why how the Road Transport authority got himself satisfied about the fulfilment of requirement under Section 19(1)(c) of the Motor Vehicles Act.

7. However, the learned counsel for the petitioner would submit that the period of three months, which is suffered by the petitioner on account of disqualification may be treated as a punishment period and it is enough at least now, the driving license is ordered to be returned.

8. Accepting the plea made by the learned counsel for the petitioner, treating the period of suspension of the driving license of the petitioner from 01.07.2016 to 31.10.2016 as a period of punishment, the respondent is directed to return the driving license of the petitioner by 13.10.2016.

9. 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

rj2
To
The Licensing Authority,
Regional Transport Officer, Dindigul.

+1cc to Mr. A. RAHUL, Advocate Sr.No. 57443
+1cc to Spl. Government Pleader Sr.No. 57487

JAM/06.10.16/DB/2P-4C

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