



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.10.2016

CORAM

THE HON'BLE Dr.JUSTICE S.VIMALA.

W.P(MD) No.19894 of 2016

R.Suresh

... Petitioner

-vs-

1.The Regional Transport Officer,
Madurai (North),
Madurai.

2.The Joint Commissioner of Transport,
Regional Transport Office,
Madurai (North)
Madurai.

3.The General Manager,
Tamil Nadu Transport Corporation Ltd.,
Karaikudi,
Sivagangai District.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari calling for the records relating to the impugned order of the 1st Respondent by the proceeding in Na.Ka.No.43147/A4/2016 dated 22.07.2016 and quash the same.

For Petitioner : Mr.S.Saji Bino

For RR - 1 & 2 : Mr.A.Muthukaruppan
Additional Government Pleader

For R - 3 : Mr.D.Sivaraman

O R D E R

The impugned order dated 22.07.2016, calling upon the petitioner to produce the driving licence within a period of seven days from the date of passing the impugned order, is under challenge.

2.Heard the learned counsel appearing for the petitioner;
the learned Additional Government Pleader, who takes notice for
the respondents 1 and 2 and the learned Standing Counsel for the



third respondent. By consent the writ petition itself is taken up for final disposal at the admission stage.

3.The first respondent has issued show cause notice, calling upon the petitioner to show cause as to why action cannot be initiated under Section 19(1)(c) of the Motor Vehicles Act, 1988. The petitioner has submitted his explanation. But the respondent has not stated as to how and why the explanation is not acceptable. In other words, the order is not a speaking order, even though there is an attempt to show that as if it is a speaking order.

4.This Court has considered the similar issue and has held that in the absence of any order either by the Claims Tribunal or by the Criminal Court giving a finding that the petitioner is guilty of negligence, the order passed by the respondent finding the petitioner guilty is preconceived and therefore, it cannot be sustained.

5.Under such circumstances, the impugned order passed by the first respondent, dated 22.07.2016 is set aside. However, it is open to the first respondent/Regional Transport Officer to take action at the appropriate time.

6.The Writ Petition is ordered accordingly. No costs. Consequently, connected WMP(MD)Nos.14356 and 14357 of 2016 are closed.

Sd/-

Assistant Registrar(CS-II)

/True Copy/

Sub Assistant Registrar

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To

1.The Regional Transport Officer,
Madurai (North), Madurai.

2.The Joint Commissioner of Transport,
Regional Transport Office,
Madurai (North) Madurai.

+1CC to Mr.S.Saji Bino Advocate Sr.No.61082

+1CC to Mr.D.Sivaraman, Advocate Sr.No.61647

GJM/GSV/PM/9.11.16-2p-5C

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