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***IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P.(C) 1595/2016 and CM No.6892 /2016

% Date of Decision : 02nd May, 2016

BASU DEV SARKAR

..... Petitioner

**Through: Mr. Satyam Thareja and Ms.
Shradha Karol, Advocates**

versus

STATE OF NCT OF DELHI & ANR

..... Respondents

**Through: Mr. Rahul Mehra, Sr. Standing
Counsel, Mr. Anuj Aggarwal,
ASC with Mr. Aditya Swarup
Agarwal and Mr. H.K. Singh,
DCP, Insp. Mohaj Sinha, ASI
Virendra Singh and HC Pawan**

CORAM :-

HON'BLE MR. JUSTICE J.R. MIDHA

JUDGMENT (ORAL)

1. The petitioner has challenged the suspension order dated 28th January, 2016 on various grounds, *inter alia*, that no opportunity of hearing was afforded to the petitioner under Section 19(1) of the Motor Vehicles Act, 1988.
2. This Court has passed a detailed judgment today in W.P.(C) 2076/2016. For the reasons recorded therein, this petition is allowed and the case is remanded back to respondent no.1 for affording an opportunity of hearing to the petitioner in terms of Section 19(1) of

the Motor Vehicles Act. Vide reply dated 27th January, 2016, the petitioner had sought better particulars, namely, date, time and place of the alleged violation. Respondent no.1 shall furnish the better particulars to the petitioner within two weeks whereupon the petitioner shall submit his response to the show cause notice within a period of two weeks thereafter. Respondent No.1 shall afford an opportunity of hearing to the petitioner and shall thereafter, pass a fresh order which shall be communicated to the petitioner. The petitioner shall produce the original driving licence at the time of the hearing. The impugned order dated 28th January, 2016 shall remain in abeyance and the petitioner would be entitled to drive till the fresh order is passed by respondent No.1. If the petitioner is not satisfied with the order that may be passed, the petitioner would be at liberty to avail the remedy of appeal before the appellate authority under Section 19 (3) of the Motor Vehicles Act.

3. The pending application is disposed of.
4. Copy of this judgment be given *dasti* to counsels for the parties under signature of Court Master.

J.R. MIDHA, J.

MAY 02, 2016

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