

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.02.2017

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THE HONOURABLE MR.JUSTICE RAJIV SHAKDHER

W.P.No.3185 of 2017

And

W.M.P.No.3118 of 2017

M.Venkatesan

... Petitioner

Vs.

The Regional Transport Officer
Poonthamallee
Thiruvallur District.

... Respondent

Prayer: Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus to call for the records of the respondent in Ka.No.E3/111644/2016 dated 19.12.2016 and quash the same subsequently direct the respondent to return petitioner driving license in DL.No TN 21 1989000032.

For Petitioner : Mr.E.Feliz Parthiban
For Respondent : Mr.R.Venkatesh
Government Advocate

O R D E R

1.Issue Notice. Mr.R.Venkatesh, learned Government Advocate, accepts notice on behalf of the respondent. With the consent of the learned counsels for parties, the writ petition is taken up for hearing and final disposal.

2.This is a writ petition whereby, a direction is sought to quash the show cause notice dated 19.12.2016 issued by the respondent.

3.The averments made in the affidavit show that on 26.11.2016, when the petitioner was driving a bus bearing Registration No.TN 21 N 1751, it met with an accident with a person who was riding a bicycle. The accident resulted in the death of the person. Consequent thereto, an F.I.R. was lodged, whereby, the petitioner was booked for offences under Sections 279 and 304 A of the I.P.C.

4.The petitioner avers that his driving licence bearing no.TN 21 19890000325 was seized by the police and handed over to respondent, i.e., the Regional Transport Officer, Poonthamallee, Thiruvallur District.

5.It appears that thereafter, the impugned show cause notice dated 19.12.2016, was issued to the petitioner. The petitioner was called upon to render his explanation, within seven days of receipt of the said show cause notice and appear in the office of the respondent at 11.00 hours.

6.The petitioner avers that a written communication, in that behalf, was served on the respondent on 22.12.2016. The grievance of the petitioner is that, thereafter, no order has been passed.

7.Having examined the record and heard the learned counsels appearing for the parties, in my view, the respondent needs to fix a date of hearing, as the show cause notice dated 19.12.2016, does not clearly indicate on which date, the petitioner is required to appear.

8.Therefore, the writ petition is disposed of, with a direction to the respondent to issue a fresh written notice to the petitioner fixing therein, the date, time and venue for hearing. The needful will be done, within ten days of the receipt of a copy of this order. Needless to say, after hearing the petitioner, the respondent will pass a speaking order. Consequently, the connected pending application is closed. However, there shall be no order as to costs.

09.02.2017

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Index: Yes/ No

Internet: Yes/ No

RAJIV SHAKDHER,J.
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To

The Regional Transport Officer
Poonthamallee
Thiruvallur District.

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