



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 15.03.2017

CORAM:

THE HON'BLE Mr.JUSTICE S.S. SUNDAR
W.P. (MD) No.3916 of 2017
and W.M.P. (MD) No.3093 of 2017

K.Suresh

... Petitioner

Vs.

The Regional Transport Officer,
Regional Transport Office,
Dindigul.

... Respondent

Prayer: Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of certiorarified Mandamus, for calling for the records pertaining to impugned order passed by the respondent in its proceedings in Se.Mu.Order No.69527, dated 13.02.2017 quash the same and consequently direct the respondent to return the petitioner's original driving license.

For Petitioner : Mr.S.Pon Senthil Kumaran

For Respondent : Mr.C.Selvaraj,
Special Government Pleader

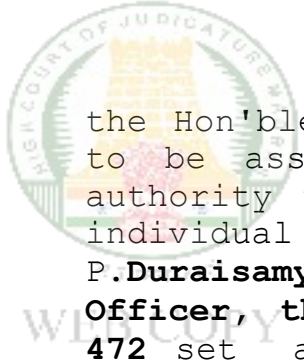
O R D E R

This writ petition is filed challenging the order of the respondent dated 13.02.2017 cancelling the driving license of the petitioner.

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

3. A case was registered in Crime No.310 of 2016 in Kannivadi Police Station against the petitioner for offences under Sections 279, 337 and 304A IPC. It is stated that the respondent has obtained the petitioner's driving license on 15.12.2016. Though the respondent issued a show cause notice dated 16.12.2016 directing the petitioner to show cause why the petitioner's driving license should not be suspended and explanation was offered by the petitioner, the respondent has passed the impugned order in a cyclostyle format without considering the explanation that was offered by the petitioner. There is total non application of mind and the order does not disclose the consideration of the petitioner's explanation.

4. In such circumstances, the order passed in the printed format without assigning any reason cannot be sustained as it clearly establish non application of mind and violation of principles of natural justice. It has been repeatedly reiterated by



the Hon'ble Supreme Court of India about the importance of reasons to be assigned by the quasi judicial authority or Executive authority while passing orders affecting the civil rights of the individual concerned. This court earlier in a similar case in **P.Duraisamy Vs. the Licensing Authority, the Regional Transport Officer, the Regional Transport Office, Periyakulam** in **2010(3)L.W. 472** set aside the similar order after elaborately discussing the power and responsibilities of the respondent before finding anyone to be disqualified to hold license for having committed an act, which is likely to cause nuisance or danger to public.

5. Since the order is passed in the printed format without assigning any reason, this court sets aside the impugned order. However, liberty is given to the respondent to conduct an enquiry afresh after giving an opportunity to the petitioner and to pass a reasoned order. As a result, the impugned order passed by the respondent is set aside. However, liberty is given to the respondent to conduct an enquiry afresh and pass orders after giving reasonable opportunity to the petitioner on merits and in accordance with law and by giving reasons.

6. In the result, this Writ Petition is allowed. No costs. Consequently, connected W.M.P.(MD) No.3093 of 2017 is closed.

SD/-
ASSISTANT REGISTRAR(CO)

/TRUE COPY/

SUB ASSISTANT REGISTRAR

To

The Regional Transport Office, Regional Transport Office, Dindigul

+1 CC TO MR.S.PON SENTHIL KUMARAN, ADVOCATE, SR NO.15323

+1 CC TO MR.SPECIAL GOVERNMENT PLEADER, SR NO.15094

CM

MAS/SV-MMS:23.03.2017:2P-4C

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and W.M.P.(MD) No.3093 of 2017
15.03.2017