



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.04.2017

CORAM :

THE HONOURABLE MR.JUSTICE **S.S.SUNDAR**

W.P.(MD) No.7491 of 2017

and

W.M.P.(MD) Nos.5862,5863,5864 of 2017

P.Cithaiah

... Petitioner

Vs.

1. The Deputy Commissioner of Transport
Thanjavur.

2. The Licensing Authority and
Regional Transport Officer
Pudukottai.

3. The Inspector of Police,
Viralimalai Police Station,
Viralimalai, Trichy District.

... Respondents

Prayer:Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus, to call for records pertaining to the impugned order passed by the 2nd respondent in Memo No.3143/A1/2017 dated 01.02.2017, in imposing the punishment of suspension of driving license for 6 months from 30.01.2017 to 29.07.2017 as confirmed by 1st respondent in SeMuAa No.116/A2/2017 dated 14.03.2017, quash the same and consequently, to direct the respondents to return forthwith original driving license of the petitioner.

For Petitioner : Mr.A.Rahul

For Respondents : Mr.V.Pandi

Government Advocate

O R D E R

This Writ Petition has been filed to call for records pertaining to the impugned order passed by the 2nd respondent in Memo No.3143/A1/2017 dated 01.02.2017, in imposing the punishment of suspension of driving license for 6 months from 30.01.2017 to 29.07.2017, as confirmed by the 1st respondent in SeMuAa No.116/A2/2017, dated 14.03.2017, and quash the same and consequently to direct the respondents to return forthwith the original driving license of the petitioner.

<https://hcservices.courts.gov.in/hcservices/>
2. The learned counsel appearing for the petitioner and the learned Government Advocate appearing for the respondents.



3. This Court has time and again has held that the licensing authority should pass orders only after following the procedure under Section 19 of Motor Vehicle Act. Though the order has been passed after issuing notice, the order of the original authority shows that the explanation given by the petitioner has not been considered. Hence, this Court is satisfied that the impugned order is liable to be set aside. However, this Court is not fully convinced with the reasons stated by the petitioner for holding that the petitioner is not responsible for the accident.

4. Considering the fact that the petitioner has already been out of employment pursuant to the impugned order, this Court is not inclined to remit the matter to the Appellate Authority for fresh consideration. Taking into account the period of non employment of the petitioner for more than four months, this Court is inclined to allow this writ petition partly. The impugned order passed by the second respondent dated 01.02.2017, as confirmed by the first respondent, by order dated 14.03.2017 are modified by reducing the period of disqualification from six months to four months. This writ petition is therefore allowed in part in the above terms. No Costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(AE)

/True Copy/

Sub Assistant Registrar

To

1. The Deputy Commissioner of Transport
Thanjavur.
2. The Licensing Authority and
Regional Transport Officer
Pudukottai.
3. The Inspector of Police,
Viralimalai Police Station,
Viralimalai, Trichy District.

+1cc to M/S.A.Rahul, Advocate SR.No. 55274

+1cc to Special Government Pleader, SR.No. 55460

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