

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.04.2018

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THE HONOURABLE MR. JUSTICE T.RAJA

W.P.No.9564 of 2018 and
W.M.P.Nos.11465 to 11467 of 2018

M.Krishnamoorthy

... Petitioner

Vs.

The Regional Transport Officer,
Regional Transport Office,
Cuddalore, Cuddalore District.

... Respondent

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of certiorarified Mandamus calling for the records relating to the impugned order in proceeding No.Se.Mu.Order No.01706/c4/2018 dated 26.03.2018 on the file of the respondent and to quash the same as illegal and direct the respondent to return the seized license bearing No.TN5019870000070 dated 23.02.2007 and further forbearing the respondent from suspending the license before the finality of the criminal case registered under Cr.No.12 of 2018 on the file of the Cuddalore OT Police Station, Cuddalore District.

For Petitioner : Mr.K.R.Laxman

For Respondents : Mrs.K.Bhuvaneswari,
Additional Government Pleader

O R D E R

This Writ Petition has been filed challenging the impugned order suspending the driving license of the petitioner for a period of six months.

2.The learned Additional Government Pleader appearing for the respondent submitted that the order of the respondent is an appealable order and the remedy open to the petitioner is to file an appeal before the Appellate Authority.

3.As per Section 19(3) of the Motor Vehicles Act, 1988, the order of the respondent is appealable within 30 days of the receipt of the order. Section 19(3) is extracted below:

"19.Power of licensing authority to disqualify
from holding a driving licence or revoke such licence.

(3)Any person aggrieved by an order made by a licensing authority under sub-section (1) may, within thirty days of the receipt of the order, appeal to the prescribed authority, and such appellate authority shall give notice to the licensing authority and hear either party if so required by that party and may pass such order as it thinks fit and an order passed by any such appellate authority shall be final."

4.Since the petitioner has got effective, statutory, efficacious alternative remedy, this is a bar for invoking Article 226 of the Constitution of India. In view of the same, the Writ Petition is dismissed.

5.However, it is open for the petitioner to file an appeal before the Appellate Authority.

6.The learned counsel appearing for the petitioner sought time to file the appeal before the Appellate Authority, since the thirty days time for filing appeal before the Appellate Authority has expired in view of the filing of the present Writ Petition.

7.In view of the submission made, the petitioner is granted two weeks time, from the date of receipt of a copy of this order, to file an appeal. If any such appeal is filed within two weeks time, the Appellate Authority shall consider the same and pass appropriate orders on merits and in accordance with law. No costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

सत्यमेव जयते
Sub Assistant Registrar

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To

The Regional Transport Officer,
Regional Transport Office,
Cuddalore, Cuddalore District.

+1cc to the Government Pleader, S.R.No.29562

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RRK(23/04/2018)