

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.09.2018

CORAM:

THE HON'BLE MR.JUSTICE V.BHARATHIDASAN

W.P. No. 22787 of 2018

S.Velu

... Petitioner

Vs.

1. Inspector of Police,
Traffic Investigating Wing,
Poonamallee Police Station,
Chennai.

2. The Licensing Authority -cum-
Regional Transport Officer,
Poonamallee, Chennai-56

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorari and Mandamus to call for the records of the 2nd respondent relating to the order made in R.No.B1/67316/2018, dated 01.08.2018 suspending the driving licence of the petitioner for a period of 6 months from 13.07.2018 to 12.01.2019 and to quash the same, consequently directing the 2nd respondent herein to return the Original Driving licence (DL.No.TN 21 19980000449) to the petitioner forthwith.

For Petitioner : Mr.K.Hariharan
For Respondents : Ms.Ramya Revathy
Government Advocate.

O R D E R

This writ petition has been filed challenging the order passed by the second respondent suspending the petitioner's licence for a period of 6 months.

2. According to the petitioner, he is a driver in Metropolitan Transport Corporation, Chennai and the bus driven by him was met with an accident on 13.07.2018. Based on that, a criminal case was registered against him by the first respondent police in Cr.No.841/2018. Thereafter, the first respondent/Inspector of Police seized his licence and produced the same before the second respondent/Regional Transport Office under section 19 of the Motor Vehicle Act for taking action.

Thereafter, the second respondent passed the impugned order suspending the petitioner's licence for a period of 6 months. Challenging the above order of suspension, the present writ petition has been filed.

3. The learned counsel appearing for the petitioner would submit that the petitioner was not served with any notice prior to the passing of the impugned order.

4. Per contra, the learned Government Advocate appearing for the respondent would submit that the show cause notice has been issued to the petitioner and it was sent by an ordinary post and the petitioner has also received the same. Despite the receipt of the notice, he has not raised any objection. In such circumstances, the impugned order has been passed.

5. I have heard the rival submissions and perused the materials available on record.

6. The impugned order has been challenged on the ground that no show cause notice was served on the petitioner. Now, it is the contention of the respondents that the notice was sent to the petitioner by an ordinary post and they have also produced the records. From the perusal of the records, there is nothing to show that the petitioner has received the notice, even though it is stated that the notice has been sent by post, there is no proof for the same that the petitioner has received the show cause notice. In the above circumstances, I am of the view that the impugned order passed by the second respondent is liable to be set aside on the ground that the show cause notice was not served on the petitioner.

7. In the result, the impugned order is set-aside and the matter is remanded back to the second respondent. The second respondent is directed to issue show cause notice to the petitioner. The petitioner is directed to submit his objection, before the second respondent. On receipt of the same, the second respondent is directed to conduct enquiry and pass a final reasoned order on merits and in accordance with law within a period of six weeks thereafter. Until the final order is passed in the proceedings, the second respondent has no power to withhold the licence. In the said circumstances, the second respondent is directed to return the licence to the petitioner subject to the result of the enquiry proceedings.

6. With the above directions, this Writ Petition is disposed of. No costs.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

mrp

To

1. Inspector of Police,
Traffic Investigating Wing,
Poonamallee Police Station,
Chennai.

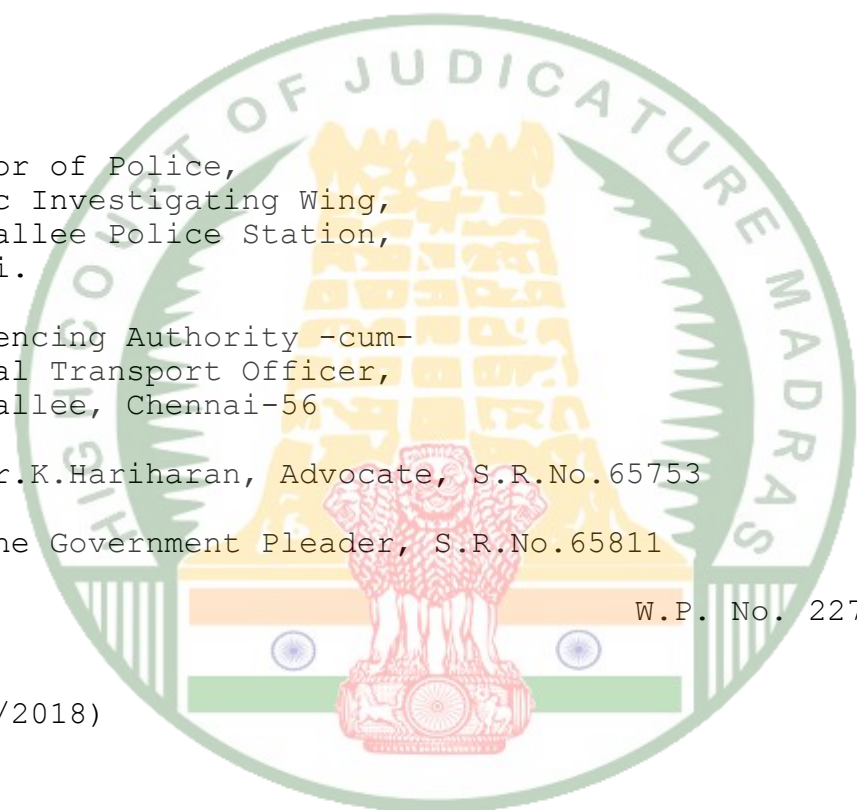
2. The Licencing Authority -cum-
Regional Transport Officer,
Poonamallee, Chennai-56

+1cc to Mr.K.Hariharan, Advocate, S.R.No.65753

+1cc to the Government Pleader, S.R.No.65811

W.P. No. 22787 of 2018

NRL (CO)
GSP (26/09/2018)

The seal of the High Court of Judicature Madras is a circular emblem. It features a central yellow temple gopuram (tower) with a red lion capital on top. Below the gopuram is a red elephant. The entire emblem is set against a background of horizontal stripes in orange, white, and green. The words "HIGH COURT OF JUDICATURE MADRAS" are written in a circular border around the emblem. Below the emblem, the Sanskrit motto "सत्यमेव जयते" (Satyameva Jayate) is written in Devanagari script.

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