

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 12.07.2018
CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P.No.21379 of 2010

P.Shanmugasundaram

... Petitioner

Vs

1. The District Revenue Officer,
Erode District,
Erode.

2. The Secretary,
Regional Transport Authority,
Gobichettipalayam,
Erode District.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari, to call for the records of the second respondent in Memo in Na.Ka.No.20739/A2/2010 dated 12.08.2010 and quash the same.

For Petitioner : Mr.S.Kamadevan
For Respondents : Mr.J.Ramesh, AGP

ORDER

Challenging the proceedings dated 12.08.2010 issued by the second respondent, the petitioner has come up with the present writ petition.

2. According to the petitioner, he is the owner-cum-driver of a lorry bearing Regn.No.TN28-E7664, which is used for transporting goods from one place to another. While so, on 27.04.2010, the vehicle was seized by the Civil Supplies (CID) Police on the ground that it was loaded with the PDS rice, which resulted in the registration of the case in Crime No.264/2010, for the offence under Section 6(4) of the TNSC (RDCS) Order 1982 r/w 7(i)(a)ii of the Essential Commodities Act, 1955 against the petitioner herein. Consequently, by the impugned proceedings dated 12.08.2010, the petitioner was directed to explain as to why the permit and driving licence granted to him, should not be cancelled, by exercising power under Section 86(1) of the Motor Vehicles Act, 1988. Aggrieved over the same, the petitioner is before this Court with the present writ petition.

3. On 24.09.2010, when the matter was taken up for admission, this Court granted an order of interim stay for a period of four weeks, which, by order dated 23.09.2011, was made absolute.

4. Today, when the matter came up for hearing, the learned counsel for the petitioner, on instructions, submitted that it would suffice, if the petitioner is granted liberty to submit his objections to the proceedings issued by the second respondent, for which, the learned Additional Government Pleader appearing for the respondents has no serious objection.

5. Considering the facts and circumstances of the case and also having regard to the submissions made by the learned counsel on either side, this Court directs the petitioner to submit his objections in detail to the proceedings dated 12.08.2010 issued by the second respondent within a period of two weeks from the date of receipt of a copy of this order. On such submission, the respondents shall consider the same and pass appropriate orders, if not already passed, on merits and in accordance with law, within a period of four weeks thereafter.

6. Accordingly, this writ petition is disposed of. No costs.

Sd/-

Assistant Registrar (CS VII)

//True Copy//

Sub Assistant Registrar

+1cc to the Government Pleader, S.R.No.46160

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To

1. The District Revenue Officer,
Erode District, Erode.
2. The Secretary,
Regional Transport Authority,
Gobichettipalayam, Erode District.

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BR(co)

rrs 07/09/2018