



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.03.2018

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WEB COPY

THE HONOURABLE MR. JUSTICE G.R. SWAMINATHAN

W.P. (MD) .No.4985 of 2018
and
W.M.P. (MD) .No.4973 of 2018

R.Mohan

... Petitioner

Vs.

1. The Regional Transport Officer,
Regional Transport Office,
Chengalpattu,
Kanchipuram District.
2. The Regional Transport officer,
Office of the Regional Transport (Unit Office),
Karaikudi, Sivagangai District.
3. The Inspector of Police,
Padalam Police Station,
Padalam, Kanchipuram District.

... Respondents

PRAYER: Writ petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorari, calling for the records pertaining to the impugned order passed by the first respondent in Se.Mu.Order No.1089/A2/2017, dated 22.01.2018 and quash the same as illegal.

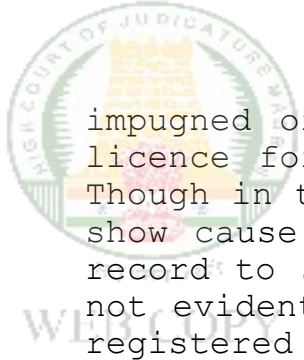
For Petitioner	: Mr.A.C.Asaitambi
For Respondents	: Mr.M.Jeyakumar
	Additional Government Pleader

ORDER

Mr.M.Jeyakumar, learned Additional Government Pleader, appearing for the respondents.

2.By consent of both parties, the Writ Petition itself is taken up for final disposal.

3. The petitioner is working as Driver in the State Transport Corporation. The bus in which he was driving got involved in a fatal accident. Therefore, the first respondent has passed the



impugned order of punishment, suspending, the petitioner's driving licence for a period of six months from 20.12.2017 to 19.06.2018. Though in the impugned order of punishment, it is mentioned that the show cause notice dated 08.01.2018 was issued, there is nothing on record to show that it was received by the petitioner. It is also not evident from the endorsement made thereon, that it was sent by registered post. It appears that the show cause notice was sent by ordinary post.

4.The learned counsel appearing for the petitioner would submit that he did not receive the same. There is nothing on record to indicate that the impugned order was passed after serving show cause notice on the petitioner.

5.The order impugned in the Writ Petition stands quashed. It is of course open to the respondents to pass appropriate orders on merits in accordance with law after affording due opportunity of hearing of the petitioner. The second respondent is directed to return the petitioner's original driving license forthwith.

6.With this liberty, the Writ Petition is allowed accordingly. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-
Assistant Registrar (AE)

/True Copy/

Sub Assistant Registrar

To

1. The Regional Transport Officer,
Regional Transport Office,
Chengalpattu,
Kanchipuram District.
 2. The Regional Transport officer,
Office of the Regional Transport (Unit Office),
Karaikudi, Sivagangai District.
 3. The Inspector of Police,
Padalam Police Station,
Padalam, Kanchipuram District.
- + 1 CC TO Mr.A.C.ASAITHAMBI, ADVOCATE IN SR No. 54457
+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No. 54942

TSG

TE/SV-MMS/SAR-3 : 14/03/2018 : 2P/6C