



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.11.2018

CORAM:

THE HONOURABLE MR. JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.18074 of 2018

and

W.M.P.(MD).No.15970 of 2018

R.Sudhakaran

...Petitioner

Vs.

The Licensing Authority,
Regional Transport Officer,
Regional Transport Office,
Sivakasi,
Virudhunagar District.

... Respondent

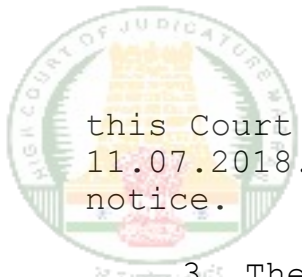
PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, calling for the entire records pertaining to the impugned proceedings of the respondent by him in கு.குறிப்பாணை எண்.19708/அ3/2018 signed on 06.08.2018 and quash the same.

For Petitioner : Mr.R.Anand

For Respondent : Mr.K.Mu.Muthu,
Additional Government Pleader.

O R D E R

The petitioner is running a driving school. He has been convicted and sentenced to imprisonment in Spl.C.C No.36 of 2014 on the file of the Special Court for trying cases under PC Act, Srivilliputhur. As per Rule 24(3)(i) of Central Motor Vehicle Rules, 1989 an applicant for the grant or renewal of license under this Rule, must have good moral character. Since the petitioner herein has suffered conviction and sentence under Prevention of Corruption Act, the respondent rightly issued the impugned notice. The respondent called upon the petitioner to offer his explanation within seven days. The said show cause notice is now challenged in this Writ petition.



this Court and an order suspending the sentence has been obtained on 11.07.2018. The challenge is only with respect of the show cause notice.

3. The Hon'ble Supreme Court has held that a writ petition will lie against the show cause notice only if it can be shown that the notice has been issued by an Authority, who has no jurisdiction or if the notice suffers from the vice of predetermination. In this case, the respondent has only called upon the petitioner to offer his explanation. Therefore, the rights of the petitioner cannot be said to have been infringed. The petitioner is obliged to offer his explanation to the show cause notice impugned in the writ petition.

4. Therefore, the writ petition is not maintainable and it stands dismissed. It is made clear that this Court has not expressed any opinion on the merits of the matter. The respondents will have to pass orders only after giving an opportunity of hearing to the petitioner. No costs. Consequently, W.M.P.(MD).No.15970 of 2018 is closed.

SD
ASSISTANT REGISTRAR (CS II)

TRUE COPY

SUB ASSISTANT REGISTRAR (CS I)

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To

The Licensing Authority,
Regional Transport Officer,
Regional Transport Office,
Sivakasi,
Virudhunagar District.

1CC TO THE SPL GOVT PLEADER SR 94993

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28 12 2018
2P 3C

Order in
W.P. (MD) No.18074 of 2018

12.11.2018