

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.03.2019

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THE HONOURABLE Mr.JUSTICE D.KRISHNAKUMAR

W.P.No.6673 of 2019 &
W.M.P.No.7492 of 2019

P.Senthil Kumar

...

Petitioner

Vs.

1.The Transport Commissioner,
Chepauk, Chennai - 600 005.

2.The Regional Transport Officer,
Chennai (South),
Chennai - 600 041.

...

Respondents

Prayer:- The Writ Petition is filed under Article 226 of the Constitution of India, seeking for issuance of Writ of Certiorarified Mandamus to call for the original records relating to the orders passed by the second respondent in his proceedings No.042620/B5/2017, dated 28.09.2017 and consequential order of the first respondent in his proceedings R.No.41470/HB1/2017, dated 05.07.2018 and quash the same and further direct the respondents 1 and 2 to issue the renewal of the driving license of the petitioner by condoning the delay of 56 days and renew the driving license for the period from 24.08.2007 to 23.08.2022.

For Petitioner : Mr.A.Ganesan

For Respondents : Mr.M.Karthikeyan
Additional Government Pleader

ORDER

In this Writ Petition, the petitioner challenges the order passed by the first respondent, dated 05.07.2018, whereby, the order passed by the second respondent, dated 28.09.2017, was confirmed.

2. According to the learned counsel for the petitioner, the first respondent passed the impugned order without assigning any reasons and simply stated that the petitioner has not fulfilled the provisions contained in Rule 24(3)(i) of Central Motor Vehicles Rules 1989 and not complied with the provisions and instructions issued by the Transport Commissioner under Circular dated 11.11.2011. It is further stated that the respondents have not served a copy of the inspection report, based on which, the impugned order has been passed.

3. The learned Additional Government Pleader on instructions from the respondents would submit that the second respondent vide order dated 28.09.2017, rejected the application filed by the petitioner for renewal of license on the ground that the petitioner should have

approached the second respondent 60 days prior to the expiry of the license. Challenging the said order, the petitioner preferred an appeal before the first respondent. Pending Appeal, the Authority concerned conducted an inspection and the report clearly establishes that the petitioner has not complied with the requirements as per the Motor Vehicle Rules as well as the Circular issued by the Transport Commissioner, dated 11.11.2011 and hence, the first respondent vide impugned order dated 05.07.2018, rejecting contention of the petitioner, confirmed the order passed by the second respondent.

4. On a perusal of the impugned order, it is crystal clear that a cryptic and non-speaking order has been passed by the first respondent, by simply stating that the petitioner has not fulfilled the provisions contained in Rule 24(3)(i) of Central Motor Vehicles Rules 1989 and not complied with the provisions and instructions issued by the Transport Commissioner, under Circular dated 11.11.2011. Further, as contended by the learned counsel for the petitioner, there is no material to prove that an inspection report was served to the petitioner, based on which, the impugned order has been passed.

5. In view of the non-speaking order passed by the first respondent and in the absence of any material to prove that an inspection

report was served to the petitioner, this Court is of the view that the impugned orders are liable to be quashed and accordingly, they are quashed. The respondents are directed to furnish a copy of the inspection report to the petitioner and proceed with the enquiry and pass appropriate orders on merits and in accordance with law, as expeditiously as possible, preferably, within a period of six weeks from the date of receipt of a copy of this order.

6. Accordingly, the Writ Petition is allowed. There is no order as to costs. Consequently, connected miscellaneous petition is closed.

22.03.2019

Index:Yes/No
Speaking / Non-Speaking order

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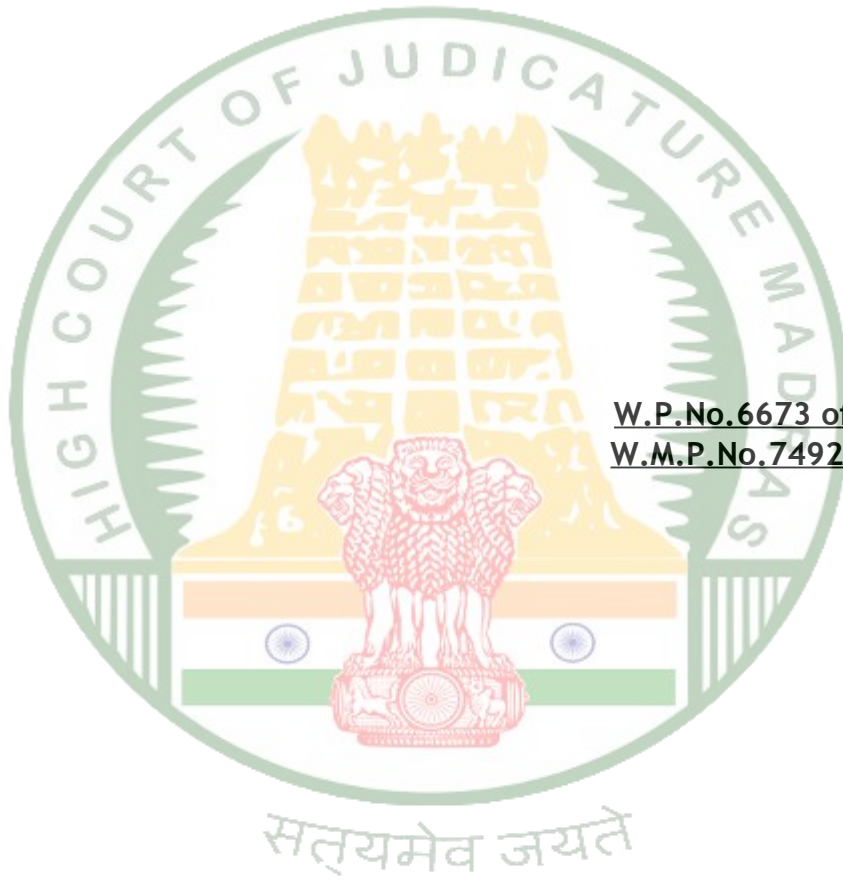
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