

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.06.2019

CORAM

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

W.P.No.15818 of 2019

K.Thiruselvan

... Petitioner

Versus

- 1.The Transport Commissioner,
Chepauk, Chennai-600 005.
 - 2.The Assistant License Issuing Authority,
No.47 & 49, Kaliyamman Koil Street,
Virugambakkam, (Near Chinmaya Nagar, Sai Nagar)
Chennai-600 019.
 - 3.The Regional Transport Officer,
No.1, Mambalam Taluk Office Complex,
Bharathidasan Colony Main Road,
K.K.Nagar, West,
Chennai-600 017.
 - 4.The Inspector of Police,
Traffic Investigation Wing,
R4, Pondy Bazar,
Chennai-600 017.
 - 5.The Branch Manager,
Metropolitan Transport Corporation,
K.K.Nagar Depot, Chennai
- ... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for the issue of Writ of Mandamus directing the respondents 1 to 4 to return the petitioner's license in D.L.No,TN 01 1990 0007104 and enable him to join and continue his service in the 5th respondent Transport Corporation.

For Petitioner : Mr.A.Rajesh Kanna

For Respondents : Mr.N.Inbanathan

Addl. Government Pleader.

O R D E R

Heard the learned counsel for the petitioner and the learned Additional Government Pleader for the respondents.

2. The case of the petitioner is that, he is a driver in

the Metropolitan Transport Corporation, Chennai. On 03.03.2019, while he was driving the Transport bus from Broadway to K.K.Nagar, he met with an accident, wherein a pedestrian was hit by his vehicle causing fatal death. His driving license has been seized by the fourth respondent police and on his recommendation, the third respondent herein holding his driving license. On 15.03.2019, he gave a representation to the respondents to return the driving license seized by the fourth respondent, till date they have not responded to his representation.

3. The learned Additional Government Pleader appearing for the respondents would submit that a memo was issued to the petitioner to show cause why his license should not be cancelled under Section 19(i) of the Motor Vehicles Act. The license holder has not responded to the memo. Following the circular issued by the Transport Commissioner the license has been suspended for six months from the date of accident. The order passed by the Regional Transport Officer/the third respondent herein is circulated by the learned Government pleader.

4. From the said order, this Court finds that the show cause notice issued to the license holder/petitioner was not received by him. It has been served on him only on 13.06.2019. The circular of the Transport Commissioner No.57 of 2008 clearly contemplates and directs the authorities to issue notice, get explanation of the license holder and after due enquiry action should be taken for cancellation or suspension of license. So admittedly, without considering the explanation of the petitioner herein the order of suspending the license for a period six months was issued. Hence, the order of the third respondent dated 13.06.2019 is hereby quashed.

5. The third respondent hereby is directed to consider the representation of the petitioner herein dated 15.03.2019 and pass appropriate orders under Section 19(i) of the Motor Vehicles Act. The petitioner shall furnish additional representation if he desires within a period of 7 days. On receipt of such representation, the third respondent shall pass orders in accordance with law and intimate to the petitioner herein within a period of four weeks.

6. With the above directions, the writ petition is disposed of. No costs.

Sd/-

Assistant Registrar (CS-VI)

//True Copy//

Sub Assistant Registrar

rpl

To

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

2.The Assistant License Issuing Authority,
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4.The Inspector of Police,
Traffic Investigation Wing,
R4, Pondy Bazar,
Chennai-600 017.

5.The Branch Manager,
Metropolitan Transport Corporation,
K.K.Nagar Depot,
Chennai

+1cc to Mr. A.Rajesh Kanna, Advocate, S.R.No. 49936

+1cc to the Government Pleader, S.R.No. 49485

W.P.No.15818 of 2019

NMI (CO)
GN(08/07/2019)

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