

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 08.08.2019

Coram:

THE HONOURABLE DR. JUSTICE G. JAYACHANDRAN

Writ Petition No.23345 of 2019
and
W.M.P.Nos.23090 and 23091 of 2019

N.Arumugam

.. Petitioner

/versus/

1.The Regional Transport Officer,
Licensing Authority,
Office fo the Regional Transport Office,
Transport Department,
Government of Tamil Nadu,
Sriperumbudur Zone,
Tamil Nadu 600 016.

2.Regional Transport Officer(RTO),
Regional Transport Office,
Sriperumbudur,
Chennai 602 105.

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus calling for records from the 1st respondent relating to the impugned proceedings show cause notice No.TN 87/2019/74 dated 12th July 2019 and quash the same and direct the respondents to return driving license of the petitioner TN 23Z19990003290.

For Petitioner :Mr.R.Rajaram

For Respondents :Mr.N.Inbanathan, AGP

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ORDER

By consent, the writ petition itself is taken up for final disposal at the admission stage itself.

2.The prayer sought for in this writ petition is to issue a Writ of Certiorarified Mandamus calling for records from the 1st respondent relating to the impugned proceedings show cause notice No.TN 87/2019/74, dated 12th July 2019 and quash the same

and also direct the respondents to return driving license of the petitioner TN 23Z19990003290.

3. Heard the learned counsel appearing for the petitioner and the learned Additional Government Pleader appearing for the respondents. Records perused.

4. The petitioner herein is the Driver and his license bearing No. TN 23Z19990003290 was seized by the respondents for causing road accident on 19.06.2019. Thereafter, show cause notice dated 01.07.2019 has been issued to the petitioner calling for his explanation why action of suspending the driving license of the petitioner shall not be taken under Section 19(1) (d) and (f) of the Motor Vehicles Act, 1988 r/w Rule 21 of Central Motor Vehicles Rules, 1989. The said show cause notice was received by the petitioner on 04.07.2019 and he has sent his explanation on 09.07.2019 which has been received by the respondents on 10.07.2019 as per the endorsement found in the postal acknowledgement card. Whereas, the first respondent has passed the impugned order dated 12.07.2019 suspending the driving license of the petitioner for a period of five months and 29 days (i.e from 19.06.2019 to 18.12.2019). In the said proceedings, the first respondent has stated that the license holder N.Arumugam (petitioner herein) had not submitted his explanation till date. Hence, he has proceeded with the enquiry ex parte.

5. From the records, it is clear that the petitioner herein has submitted his explanation on 09.07.2019 and the same has been received by the office of the respondents on 10.07.2019, but without considering the explanation given by the petitioner, the impugned order has been passed on 12.07.2019, which is per se illegal. Hence, the proceedings of the first respondent dated 12.07.2019 is hereby quashed. The first respondent is directed to consider the explanation given by the petitioner dated 09.07.2019, which was received by the office of the respondents on 10.07.2019 and pass orders, on merits, within a period of two weeks from today.

6. With the above directions, this Writ Petition is allowed. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (Insp Cell)

//True Copy//

Sub Assistant Registrar

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To

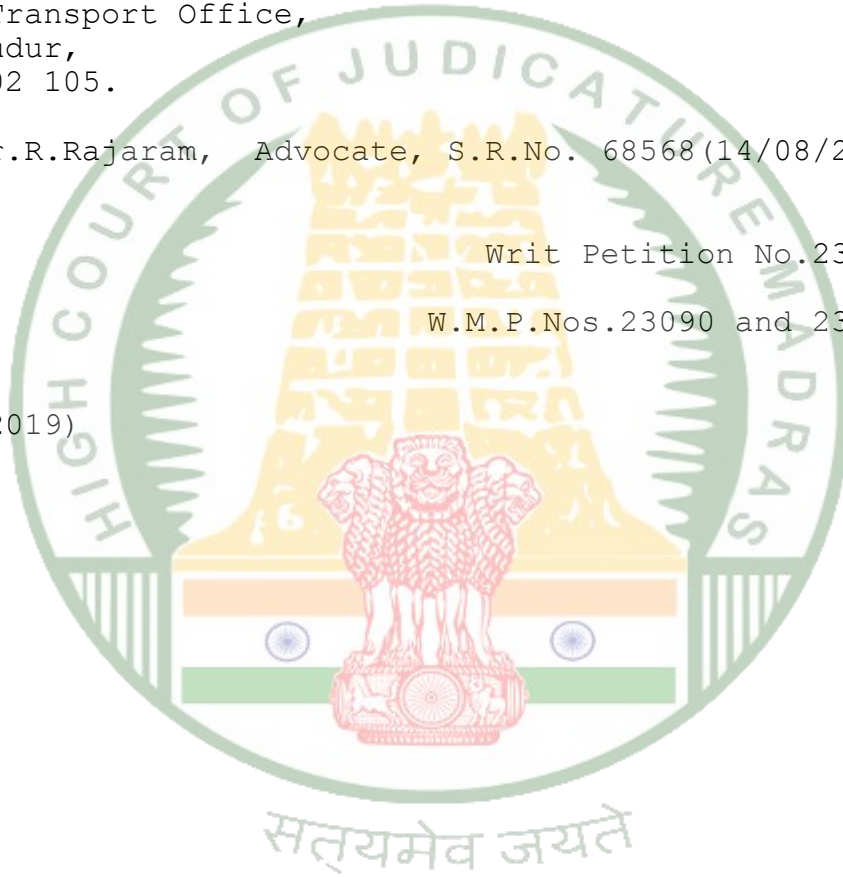
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+lcc to Mr.R.Rajaram, Advocate, S.R.No. 68568(14/08/2019)

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GN(09/08/2019)



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