

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated:06.11.2019

Coram:

THE HONOURABLE DR. JUSTICE G.JAYACHANDRAN

Writ Petition No.31244 of 2019

G.Theepan

.. Petitioner

/versus/

1.The Inspector of Police,
K-10, Koyambedu Traffic & Investigation,
Police Station, Koyambedu,
Chennai.

2.The Licensing Authority-cum-
Regional Transport Officer,
Chennai-North East, Anna Nagar,
Chennai 600 119.

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus to call for the records pertaining to the order passed by the Regional Transport Office of Chennai-North West in show cause No.TN02/2019/598 dated 23.10.2019 and quash the same and direct the 2nd respondent to return the original driving license (DL No.TN25Z20050001021) to the petitioner forthwith.

For Petitioner :Mr.D.Ganesan

For Respondents:Mr.N.Inbanathan, AGP
for R1 and R2

O R D E R

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

2.Heard Mr.D.Ganesan, learned counsel appearing for the petitioner and Mr.N.Inbanathan, learned Additional Government Pleader, who takes notice for respondents 1 and 2.

3.This writ petition is filed to quash the order passed by the second respondent vide proceedings dated 23.10.2019 temporarily suspending the driving license of the petitioner for a period from 21.09.2019 to 20.03.2020 (5 months and 28 days).

4.The prime contention raised by the petitioner herein is that he is a Driver in Metropolitan Transport Corporation(MTC), Chennai. On 21.09.2019, when he was driving a bus Route No.113 near Koyambedu Bharat Petrol Bunk, a TATA ACE vehicle illegally stopped on the road and downloading some goods from the vehicle. While he was over taking that TATA ACE vehicle, a person by name Murugesan, caught in between the bus and TATA ACE vehicle and sustained injury, later he died. For the said purpose, the driving license of the petitioner was seized by the first respondent and forwarded to the second respondent for appropriate action.

5.From the second respondent the petitioner herein received show cause notice dated 10.10.2019 to reply within 10 days from the date of receipt of the letter. The said show cause notice was received by the petitioner through registered post on 24.10.2019. Immediately, the petitioner gave his explanation to the second respondent. However, the second respondent has passed the impugned order on 23.10.2019 itself, a day before he received the show cause notice.

6.To substantiate his plea, the learned counsel appearing for the petitioner has submitted the postal cover of the show cause notice which indicates that though the show cause notice is dated 10.10.2019, it was posted at Anna Nagar East Sub Post Office only on 21.10.2019. The postal track record indicates that the same was delivered to the petitioner on 24.10.2019.

7.In the light of the above fact, the impugned order dated 23.10.2019 passed by the 2nd respondent is per se illegal and against the principles of natural justice. Hence, the same is quashed. The second respondent is directed to hand over the driving license to the petitioner forthwith. Further, the second respondent is directed to conduct enquiry based on the representation given by the petitioner on 24.10.2019 and pass appropriate orders.

8.With the above directions, this Writ Petition is allowed. No costs.

Sd/-
Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

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To:

1.The Inspector of Police,
K-10, Koyambedu Traffic & Investigation,
Police Station, Koyambedu,
Chennai.

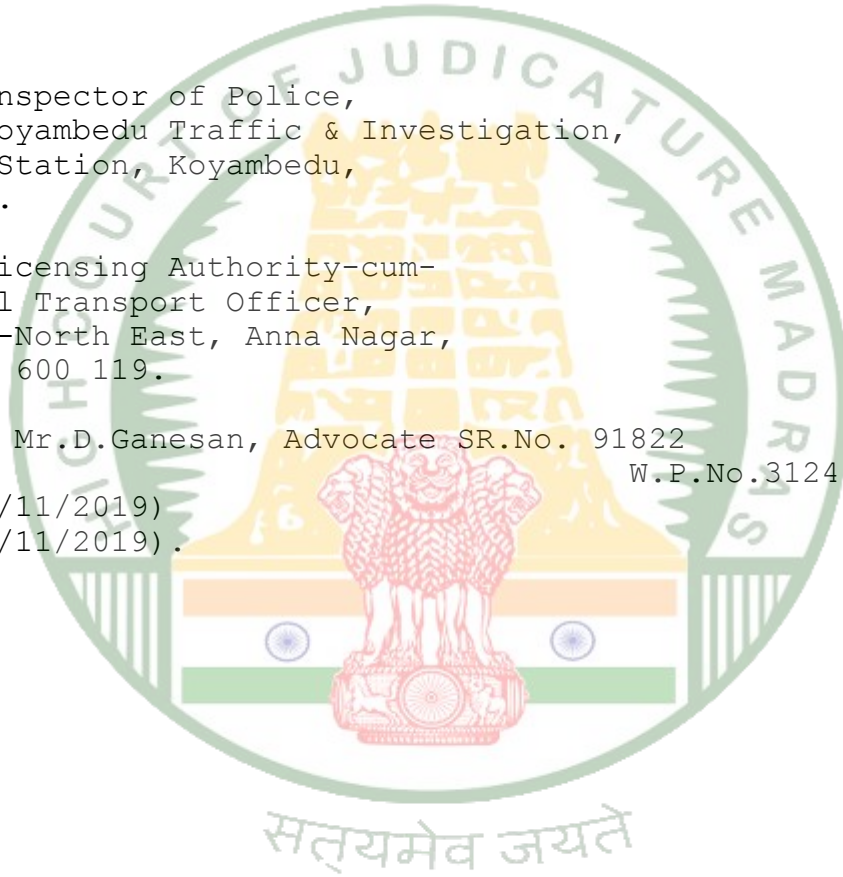
2.The Licensing Authority-cum-
Regional Transport Officer,
Chennai-North East, Anna Nagar,
Chennai 600 119.

+1cc to Mr.D.Ganesan, Advocate SR.No. 91822

W.P.No.31244 of 2019

A.SK(06/11/2019)

A.SK(07/11/2019).



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