

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :19.12.2019

CORAM

THE HON'BLE MR.JUSTICE P.D.AUDIKEVALU

W.P. No. 33123 of 2019
and
W.M.P. No. 33554 of 2019

B.Suresh

... Petitioner

-vs-

The Licensing Authority,
Regional Transport Office,
Ariyalur, Tamil Nadu.

... Respondent

Prayer:- Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records connecting in impugned order No.TN.61/2019/1593 passed by the respondent dated 05.11.2019 and quash the same all illegal, improper and against the Principal of natural justice and consequently directing the respondent to return the petitioner driving license No.TN-5119980000180 within a time frame fixed by this Court.

For Petitioner : Mr. M. Bharathi Mohan
For Respondent : Mr. M. Karthikeyan
Additional Government Pleader

O R D E R

Heard Mr. M. Bharathi Mohan, Learned Counsel for the Petitioner and Mr. M. Karthikeyan, Learned Additional Government Pleader appearing for the Respondent and perused the materials placed on record, apart from the pleadings of the parties.

2. The Petitioner is a driver in Tamil Nadu State Transport Corporation. According to him, when he was driving the bus belonging to that Corporation on 14.10.2019, it had met with an accident in which a person driving another vehicle had died and criminal prosecution had been initiated against the Petitioner for the same. While the matter stood as narrated supra, the Petitioner has been served with an order Show Cause No. TN61/2019/1593 dated 05.11.2019 issued by the Respondent suspending his licence for the period from 14.10.2019 to 13.04.2020. Aggrieved thereby, the present Writ Petition has been filed.

3. Learned Counsel for the Petitioner submits that though it has been mentioned in the reference in the impugned order that show cause notice File No. 29278/A5 dated 31.10.2019 had been issued to the Petitioner, it had not been actually served on him. That apart, it is highlighted that the Respondent claims in the impugned order that the Petitioner had accepted his fault on 29.10.2019, but such a statement is factually untrue inasmuch as the Petitioner had voluntarily visited the office of the Respondent on 29.10.2019 and had submitted a letter specifically denying that he was the cause for that accident.

4. Having regard to the aforesaid submissions made, this Court required the Learned Additional Government Pleader appearing for the Respondent to produce the records. It is noticed therefrom that though show cause notice dated 31.10.2019 is said to have been issued to the Petitioner, there is no acknowledgment for having delivered the same to him. It is also evident from that show cause notice that the Petitioner had been required to submit his reply for the same within 10 days from its receipt, but curiously the impugned order has been passed on 05.11.2019, much before that time had lapsed. On a perusal of the letter dated 29.10.2019 submitted by the Petitioner, it is noticed that he has denied that he was the cause for the accident. In such circumstances, the impugned order cannot be sustained and accordingly, the same is set aside and the matter has to be proceeded afresh in accordance with law from the stage of issuance of show cause notice.

5. Learned Counsel for the Petitioner, who has received a copy of that show cause notice, states that the Petitioner would submit his explanation for the same within a period of 10 days from the date of receipt of copy of this order. After affording full opportunity of hearing, the Respondent shall consider each of the contentions raised by the Petitioner and pass reasoned orders on merits and in accordance with law and communicate the decision taken to the Petitioner under written acknowledgment.

6. The Writ Petition is ordered on the aforesaid terms. Consequently, the connected Miscellaneous Petition is closed. No costs.

s/d-
Assistant Registrar(CS V)

True Copy

Sub-Assistant Registrar

To.

The Licensing Authority,
Regional Transport Office,
Ariyalur, Tamil Nadu.

+1 CC to Govt. Pleader sr 106245.

W.P. No. 33123 of 2019

SSV(CO)
SP(17/02/2020)



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