



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.04.2019

CORAM

THE HONOURABLE MR. JUSTICE ABDUL QUDDHOSE

W.P. (MD) .No.8932 of 2019

and

W.M.P. (MD) Nos.6908 and 6914 of 2019

A. Karuppasamy

... Petitioner

-vs-

1) The Regional Transport Officer,
and Licensing Authority
Theni.

2) The Inspector of Police,
Andipatti Police Station,
Theni District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a writ of Certiorarified Mandamus calling for the records pertaining to the impugned order passed by the 1st respondent in Se.Mu.Aa No.07151/E2/2019 dated Nil signed by the 1st respondent on 05.04.2019 quash the same and consequently to direct the respondents to forthwith return the petitioners original driving license bearing DL No.TN 63 20010011247 to him within a time limit that may be fixed by this Court.

For Petitioner : Mr.A.Rahul

For Respondents :Mr.M.Jeyakumar

Additional Government Pleader

O R D E R

The instant writ petition has been filed challenging the order dated 05.04.2019 passed by the first respondent under Section 19(1) of the Motor Vehicles Act, suspending the driving license of the petitioner.

2. According to the petitioner by total non application of mind the impugned order has been passed by the first respondent. According to the petitioner, the impugned order as well as the show cause notice was in the printed format and the first respondent filled up the blanks by total non-application of mind. He would also submit that the first respondent being quasi judicial authority ought to have applied his mind before passing the impugned order. He would also submit that without assigning any acceptable reasons, the impugned order is passed suspending the driving license of the



petitioner from 05.03.2019 to 04.06.2019.

3. The learned counsel for the petitioner also drew the attention of this Court to the order passed by this Court in W.P (MD) No.1637 of 2009, wherein this Court had deprecated the practice of Road Transport Officers in passing the orders suspending the license in printed format. He referred to para (8) of the judgment, which reads as follows:

"8. The impugned order is in the printed format. It has been filled up by the respondent wherever the occasion arises. This Court in several pronouncements had deprecated such practice by the authorities who has vested with quasi judicial power to pass such orders using printed forms. But, however, the respondent thus using the printed format has passed the present impugned order by filling up the said form. Moreover, from the impugned order it could be seen that the respondent has not assigned any reason why he has passed order suspending the driving license for a period of six months invoking section 19(1) Motor Vehicles Act. No doubt, Section 19(1) contemplates revocation of the licence granted. But, however, the section makes it very clear that it can be done for the reasons to be recorded in writing and an order should be made to that effect. In the given case on hand as stated already no reasons has been assigned by the respondent why the driving license has been suspended for a period of six months".

4. In the instant case also, as rightly contended by the learned counsel for the petitioner, show cause notice dated 13.03.2019 as well as the impugned order dated 05.04.2019 is in the printed form and blanks have been filled up by the first respondent.

5. This Court is convinced that the first respondent has passed the impugned order without applying his mind objectively.

6. In the result, the impugned order dated 05.04.2019 passed by the first respondent is hereby quashed and the matter is remanded back to the first respondent for fresh consideration and the first respondent after affording sufficient opportunity to the petitioner, including granting the right of personal hearing, shall pass final orders within a period of two weeks from the date of receipt of a copy of this order.

7. Since the impugned order is quashed the first respondent shall return the original driving license bearing DL No.TN 63 20010011247 to the petitioner within a period of three days from the date of receipt of a copy of this order.



8. With the aforesaid direction, this Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(P&A)

/True Copy/

Sub Assistant Registrar(CS-)

To

1) The Regional Transport Officer,
and Licensing Authority
Theni.

2) The Inspector of Police,
Andipatti Police Station,
Theni District.

+1cc to Mr.A.Rahul,Advocate, SR.No.60873

+1cc to Special Government Pleader, SR.No.61018

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SP/15.04.2019/ 3P/5C