



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.09.2019

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THE HON'BLE MR.JUSTICE M.GOVINDARAJ

W.P.(MD)No.14682 of 2019

and

W.M.P(MD).Nos.11118 & 11119 of 2019

Pon.Senthil

... Petitioner

-Vs-

1.The Licensing Authority
Regional Transport Officer
Trichy (East)
Trichy

2.The Inspector of Police
Traffic Investigation Wing (North)
Trichy City

3.The General Manager
Tamil Nadu State Transport Corporation
(Kumbakonam) Ltd.,
Karur Region
Karur

....Respondents

Prayer: This Writ Petition has been filed under Article 226 of Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order passed by the 1st respondent in Se.Mu.Aa.No.9201/E2/2019, dated 12.06.2019 and quash the same and consequently direct the 1st respondent to return the petitioner's Driving Licence No.TN28 19870001197 to the petitioner.

For Petitioner

: Mr.N.Sudhagar Nagaraj

For Respondent Nos.1&2

: Mr. Gunaseelan Muthiah
Additional Government Pleader

For Respondent No.3

: Mr.D.Sivaraman

ORDER

<https://hcservices.ecourts.gov.in/hcservices/>

The Writ petition has been filed to call for the records relating to the impugned order passed by the 1st respondent in



Se.Mu.Aa.No.9201/E2/2019, dated 12.06.2019 and quash the same and consequently direct the 1st respondent to return the petitioner's Driving Licence No.TN28 19870001197 to the petitioner.

2.The petitioner is the driver of the Tamil Nadu State Transport Corporation Bus. On 12.05.2019, he committed an accident using the bus bearing Registration No.TN 45 N 2563. Accordingly, the case was registered against him in Crime No.100 of 2019 under Sections 279 and 337 I.P.C. Pursuant to the same, the petitioner's licence was seized and the first respondent, the Licensing Authority after hearing the petitioner, passed an impugned order in Se.Mu.Aa.No.9201/E2/2019, dated 12.06.2019, wherein, he has suspended the driving licence of the petitioner for a period of six months from 31.05.2019 till 30.11.2019. The said order is under challenge in this Writ Petition.

3.Heard the learned counsel appearing for the petitioner; the learned Additional Government Pleader appearing for the respondent nos. 1 & 3 and the learned counsel appearing for the third respondent.

4. A reading of the impugned order shows that the Licensing Authority has not recorded any reason for arriving at the conclusion for suspending the driving licence of the petitioner for a period of six months. He has simply stated that the explanation given by the petitioner was not acceptable, while there are various grounds in-built in the Section itself for arriving at the conclusion. Opportunity of hearing is not an empty formality, but a mandatory requirement for passing a reasoned order. It is an admitted fact that as per Section 19(3) of the Motor Vehicles Act, 1988, the petitioner is entitled to file an appeal. For the purpose of filing the appeal, reason shall be recorded by the Original Authority under what ground he is suspending the licence. It cannot be rejected in simpliciter by stating that he is not accepting the explanation. If such an order is passed, it will amount to exercising of powers arbitrarily. Further, it will amount to violation of principles of natural justice.

5.In view of the above, this Court is inclined to set aside the impugned order passed by the first respondent in Se.Mu.Aa.No.9201/E2/2019, dated 12.06.2019. Accordingly, it is set aside and the matter is remanded back to the first respondent. The first respondent is directed to pass a reasoned order, within a period of two weeks from the date of receipt of a copy of this order.



6. Accordingly, this Writ Petition is allowed. No costs. Consequently, the connected miscellaneous petitions are closed.

Sd

ASSISTANT REGISTRAR (CO)

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SUB ASSISTANT REGISTRAR (CS)

msa

To

1. The Inspector of Police
Traffic Investigation Wing (North)
Trichy City

2. The General Manager
Tamil Nadu State Transport Corporation
(Kumbakonam) Ltd.,
Karur Region
Karur

1CC TO MR. D.SIVARAMAN, ADVOCATE SR 86872

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W.P. (MD) No. 14682 of 2019

and

W.M.P (MD) .Nos. 11118 & 11119 of 2019

16.09.2019

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