



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 31.07.2019

CORAM

THE HONOURABLE DR.JUSTICE ANITA SUMANTH

W.P(MD)No.19007 of 2016
and W.M.P(MD) Nos. 13737 and 13738 of 2016

A.Nagalingam

.. Petitioner

Vs.

1.The Regional Transport Authority,
Nagercoil,Kanyakumari District.

2.The Regional Transport Officer,
Nagercoil,Kanyakumari District.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a writ of certiorarified mandamus to call for the records on the file of the first respondent pertaining its order bearing proceedings No.32637/C2/2016 dated 16.09.2016 and quash the same and consequently direct the respondent to renew the license bearing No. ACL 001/TN 74/2015 R. No.35256/C2/2015 issued under Rule 234(2) of Tamil Nadu Motor Vehicles Rules 18.09.2016.

For Petitioner :Mr.S.C.Herold Singh

For Respondents :Mr.R.Murugan

Additional Government Pleader

O R D E R

The petitioner holds a license in terms of Rule 234(2) of the Tamil Nadu Motor Vehicles Rules that provides for the licensing and registration of an agent or canvasser for the sale of tickets for travel by public service vehicles.

2. An application was filed by the petitioner for renewal of the license which was in force till 18.09.2016 along with requisite fee. Since the respondents did not process the application, the petitioner filed a writ petition in W.P(MD) No.17061 of 2016. By order dated 03.08.2016, the respondents were directed to consider the application and pass orders on merits and in accordance with law. However, the impugned order has been passed on 16.09.2016 without granting an opportunity of hearing to the petitioner herein.



Apart from the challenge on the ground of violation of the principles of natural justice, the petitioner has also assailed the order on merits as well.

3. The impugned order proceeds on the basis that certain fraudulent and misleading certificates have been issued by the petitioner to entity by the name of M/s Ohm Sakthi Travels. It also alleges that a board has been placed portraying that that the petitioner is a Government of Tamil Nadu Travel Agent when he is not authorized. It is also alleged that certain statutory forms that were required to be maintained were not maintained by the petitioner. However, all these allegations have been denied in the writ petition.

4. No counter has been filed by the respondents despite sufficient opportunity being afforded including a last chance to do so. The averments in the affidavit are thus uncontroverted on facts.

5. Be that as it may, since the purport of license endorsement under Rule 234 of the Tamil Nadu Motor Vehicles Rules is to ensure that a travel agent/canvasser maintains a high standard of work and conduct in business, I am not inclined to dismiss the allegations straightaway. Since the petitioner has not been heard before passing of the impugned order and all allegations made together could have been sorted out in the course of a personal hearing, I am inclined to set aside the impugned order dated 16.09.2016 and direct the authorities to consider the application for renewal after hearing the petitioner and pass necessary orders on merits and in accordance with law within a period of four (4) weeks from today.

6. This writ petition is allowed in the above terms. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

Sub Assistant Registrar

To,

1.The Regional Transport Authority,
Nagercoil,
Kanyakumari District.



2.The Regional Transport Officer,
Nagercoil,
Kanyakumari District.

+1 CC to M/s.S.C.HEROLD SINGH, Advocate (SR-78946[F] dated
31/07/2019)

+1 CC to M/s.SPL GP (SR-79255[F] dated 01/08/2019)

W.P(MD)No.19007 of 2016
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31.07.2019

CM
MS/09.09.2019/3P.5C