

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.02.2020

CORAM

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

W.P. No. 1516 of 2020

L. Jagadeesan

... Petitioner

-vs-

1. The Regional Transport Officer,
The Licensing Authority,
Regional Transport Office,
Tindivanam,
Villupuram National Highways,
No. 66, Tindivanam, Pondicherry Road,
Villupuram District - 604 001.
2. The Motor Vehicle Inspector,
Regional Transport Office,
Gandhi Bazaar Road,
Gingee,
Gingee Taluk,
Villupuram District - 604 202.

... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the entire records pertaining to the proceedings in Show Cause No. TN16/2019/1339, dated 08.01.2020, of the First Respondent herein, quash the same and consequently direct the First Respondent herein to return the original driving license No. TN-21 19920000065 to the Petitioner herein.

For Petitioner : Mr. L. Gavaskar

For Respondents: Mr. G.K. Muthukumar,
Special Government Pleader

O R D E R

Heard Mr. L. Gavaskar, Learned Counsel for the Petitioner, Mr. G.K. Muthukumar, Learned Special Government Pleader appearing for the Respondents and perused the materials placed on record, apart from the pleadings of the parties.

2. The Petitioner is a driver in the Tamil Nadu State Transport Corporation and while on duty, the bus bearing registration no. TN 32 N 4020 driven by him had met with an accident on 04.12.2019. The Police Officer investigating the accident had seized the driving licence of the Petitioner and forwarded the same to the Licensing Authority, and despite representation made by him, it had not been returned to him. While the matter stood as narrated supra, the Petitioner has been served with an order No. TN16/2019/ 1339 dated 08.01.2020 issued by the Respondent suspending his licence for the period from 04.12.2019 to 03.06.2020. 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 dated 18.12.2019 had been issued to the Petitioner, it had been actually served to him along with the impugned order on same day and the postal cover for the same has also been produced before this Court. 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 08.01.2020, much before that time had lapsed. 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.

4. 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.

5. The Writ Petition is disposed on the aforesaid terms. No costs.

s/d-

Assistant Registrar(CS-III)

True Copy

Sub-Assistant Registrar

vjt

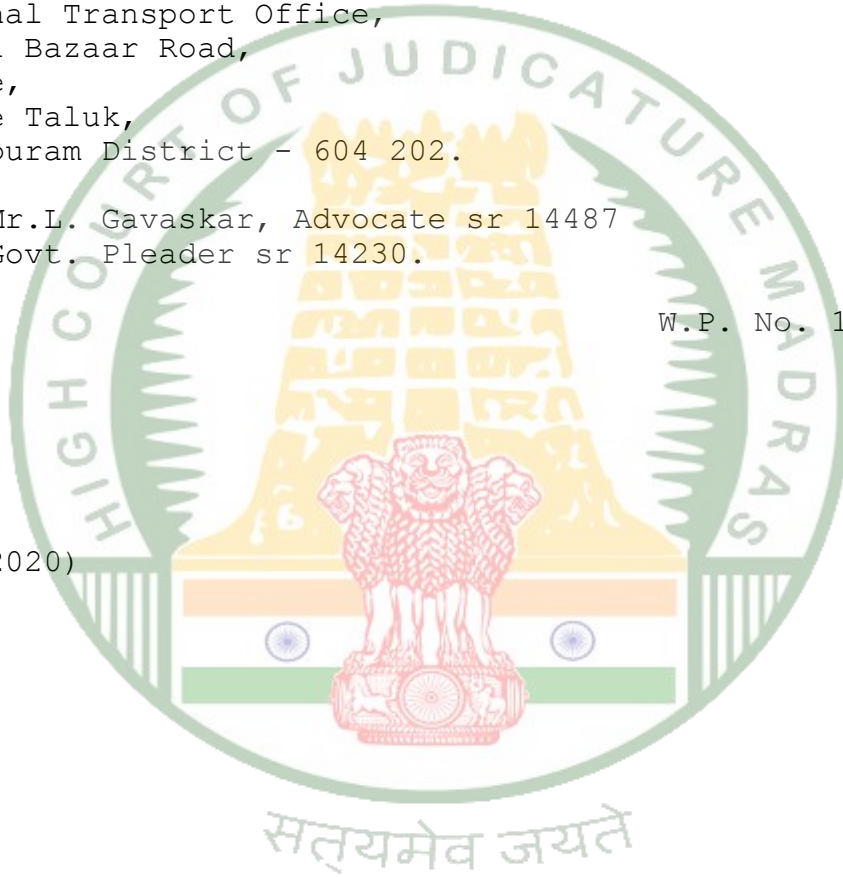
To

1. The Regional Transport Officer,
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+1 CC to Mr.L. Gavaskar, Advocate sr 14487
+1 CC to Govt. Pleader sr 14230.

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GJ(CO)
SP(04/03/2020)



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