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*** IN THE HIGH COURT OF DELHI AT NEW DELHI**

% Judgment delivered on: 04.02.2020

\+ W.P.(C) 1242/2020

MAHESH KUMAR ..... Petitioner

versus

MOTOR LICENSING OFFICER AND ORS. ..... Respondents

**Advocates who appeared in this case:**

For the Petitioner: Mr. Biraja Mahapatra and Mr. Sumit Mishra, Advocates

For the Respondents: Mr. Ramesh Singh, Standing Counsel with Mr. S. Chandra and Mr. Ishan Agrawal, Advocates

**CORAM:-**
**HON'BLE MR JUSTICE SANJEEV SACHDEVA**

**JUDGMENT**

**SANJEEV SACHDEVA, J. (ORAL)**

**CM APPL. 4275/2020 (Exemption)**

Allowed, subject to all just exceptions.

**W.P.(C) 1242/2020 & CM APPL. 4274/2020 (stay)**

1. Petitioner impugns order dated 19.11.2019 whereby the driving licence of the petitioner has been suspended for a period of three months for an alleged violation of red light jumping allegedly intimated vide notice dated 16.11.2015.

2. Issue Notice. Mr Ramesh Singh Standing Counsel Government

of NCT of Delhi accepts Notice. With the consent of parties, the petition is taken up for final disposal today itself.

3. Learned counsel for the petitioner submits that that no details of the alleged red-light jumping have been provided by the respondent despite several requests and rather the response is that there are no details available in the concerned office of Traffic Department.

4. Learned counsel further submits that no show cause notice was issued to the petitioner prior to the suspension of his driving licence.

5. Reliance is placed on the decision of this Court in W.P. (C) 2076/2016 titled as *Ashish Gosain Vs. Department of Transport & Ors.,' AIR 2016 (Delhi) 162* wherein this Court has laid down the entire procedure with regard to the steps to be taken for suspension/revocation of a licence.

6. Facts of this case are squarely covered by the judgment in *Ashish Gosain Vs. Department of Transport & Ors.(supra)*.

7. In terms of the said judgment, the writ petition is allowed and the matter is remitted to respondent no. 1 for affording an opportunity of hearing to the petitioner in terms of Section 19(1) of the Motor Vehicles Act, 1988.

8. Respondent no. 1 shall furnish the particulars to the petitioner with regard to the alleged offence of red light jumping as mentioned in the letter of the Traffic Department dated 16.11.2015 within two

weeks. Thereafter, the petitioner shall submit his response to the show cause notice within a period of two weeks.

9. Thereafter, Respondent no. 1 shall afford an opportunity of hearing to the petitioner and then pass an appropriate order which shall be communicated to the petitioner.

10. In the meantime, the impugned order dated 19.11.2019 shall remain in abeyance and during the said period the petitioner would be entitled to driving the vehicle of the specified description, till final order is passed by the respondent no. 1. In case respondent no. 1 passes an order of suspension of driving licence, petitioner shall be given a credit for the period w.e.f. 19.11.2019 till date.

11. This order is without prejudice to the right of the Petitioner to avail such remedies as may be available in law against the fresh order to be passed by Respondent No. 1.

12. Petition is allowed in the above terms.

13. Order *dasti* under signatures of the Court Master.

**SANJEEV SACHDEVA, J**

**FEBRUARY 04, 2019**
***'rs'***