

\$~11

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

+ W.P.(C) 4365/2020 & CM APPL. 15723/2020 (stay)

SANIDHYA GARG

..... Petitioners

Through: Mr. Manohar Malik, Advocate.

versus

TRANSPORT DEPARTMENT GOVERNMENT OF NCT OF
DELHI

..... Respondent

Through: Mr. Sanjoy Ghose, ASC for GNCTD
with Mr. Rhishabh Jetley and Mr.
Babu Ram, Advocates.

CORAM:

HON'BLE MR. JUSTICE NAJMI WAZIRI

ORDER

%

21.07.2020

The hearing was conducted through video conferencing.

CM APPL. 15724/2020 (exemption from Court Fee)

1. Exemption allowed, subject to the condition that the petitioner will file the duly sworn/attested affidavit and the requisite Court fee within 72 hours from the date of resumption of the regular functioning of this Court.
2. The application stands disposed-off.

W.P.(C) 4365/2020 & CM APPL. 15723/2020 (stay)

3. This petition seeks the following reliefs:

“a) Set aside and quash the impugned order dated 16.03.2020 passed by the Respondent, cancelling the driving licence of the Petitioner;

b) Pass any other or further order(s) as this Hon'ble Court deems fit and proper in the interest of justice."

4. The impugned order dated 16.03.2020 of the respondent reads as under:

“

Whereas, a notice under sub section (1) of section 19 of Motor Vehicles Act, 1988 was served to SANIDHYA GARG R/o F-22 MODEL TOWN-2 MODEL TOWN, NEW DELHI 110009 vide memorandum No. MLO/HQ/TPT/2020/15475 dated 27.02.2020 was not being heard personally.

AND WHEREAS, vide the said memorandum it was specifically conveyed to him that in case you fail to appear before the undersigned on the stipulated date and time the “EX-PARTE” action will be initiated.

AND WHEREAS, you are unable to appear before the undersigned on the stipulated date and time, thus it seems that has nothing to say in his defense.

Now, after considering the facts of the case as conveyed to the undersigned by the Traffic Police, undersigned being a Licensing Authority under sub section 20 of the section 2 of the Motor Vehicle Act, 1988 is of the view that your conduct as driver of the Motor Vehicle shown that your driving is likely to be attended with danger to the public and continuation of holding the driving licence issued to you will not be In public interest and hence, therefore, the undersigned hereby ordered the cancellation of driving license hold by you bearing No. DL-0820180008542 under the powers conferred upon me under sub section (1) of section 19 of Motor Vehicle Act, 1998. ”

5. *Ex facie*, the order is non-speaking. It does not discuss the reasons,

as to why and under what circumstances, the driving licence of the petitioner has been cancelled.

6. Mr. Ghose, the learned ASC for GNCTD, submits that the writ petition is not maintainable because there is an equally efficacious alternate remedy available to the petitioner. Be that as it may, the order as noted hereinabove, is glaringly non-speaking and arbitrary. It cannot be sustained. Therefore, the order shall be treated as non-est.
7. This petition shall be treated as the petitioner's representation by the respondent. He shall be granted a hearing and a reasoned order shall be passed.
8. The writ petition, alongwith pending application, is disposed-off in terms of the above.
9. Nothing stated in this order shall be deemed to be an adjudication on the merits of the case.
10. The order be uploaded on the website forthwith. Copy of the order be also forwarded to the counsels through email.

NAJMI WAZIRI, J

JULY 21, 2020/AB