



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.01.2022

CORAM :

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P.No.791 of 2022
and
W.M.P.No.871 of 2022

P.Boopathiraj

...Petitioner

Vs.

1.The Regional Transport Officer/Licensing Authority,
Transport Department,
Government of Tamil Nadu,
RTO, Pollachi Zone,
Tamil Nadu.

2.The Branch Manager,
Transport Department,
Udumalpet Branch,
Tiruppur Zone,

3.The Motor Vehicle Inspector,
Regional Transport Office,
Pollachi,

4.The State Rep by its,
The Inspector of Police,
Aliyar Police Station,
Coimbatore,
(Crime No.273 of 2021)

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, to call for the records of show cause notice dated 31.12.2021 vide proceedings in file No.37168A3 2021 on the file of the 1st respondent and quash the same and direct the respondent No.1 & 2 to return the original driving license of the petitioner bearing DL No. TN 41 19980003095.

For Petitioner : Mr.K.Myilsamy

For Respondents : Mrs.V.Yamuna Devi
Special Government Pleader



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O R D E R

The Show cause notice dated 31.12.2021 issued by the Regional Transport Officer / Licensing Authority is under challenge in the present writ petition.

2. No writ against a show cause notice is entertainable in a routine manner. The writ against the show cause notice is entertainable only if show cause notice has been issued by the incompetent authority having no jurisdiction directly hitting the provisions of the Act and Rules or if there is an allegation raised against the authority. Even in such cases, the authority against whom such an allegation is raised must be impleaded as a party respondent in the Writ Proceedings.

3. In all other circumstances, the show cause notice issued must be responded by the noticee by submitting explanations / objections and the authority shall consider the same or conduct an enquiry if necessary and take a decision by following the procedures as contemplated.

4. The learned counsel for the petitioner states that in spite of issuing show cause notice at the first instance, in the present case, the original license, which belongs to the petitioner was seized by the authorities. The procedures if at all followed will not vitiate the entire proceedings. Further, an accident occurred and a case was registered against the petitioner. Therefore, an enquiry must be conducted and all appropriate actions are to be initiated.

5. A mere procedural mistakes committed by the authorities, which would not cause prejudice to any person will not be a ground to vitiate the entire proceedings. In other words, the Courts are bound to consider whether the procedural mistake committed by the authorities have caused any prejudice to the interest of the persons from defending the case of law. If such mistakes cause any prejudice, then the Court shall interfere and issue appropriate directions to follow the procedures.

6. However, certain procedural mistakes even if committed by the authorities but have not caused any prejudice to the interest of the persons, the same would not be considered as the ground to vitiate the entire proceedings. In such circumstances, there is a possibility of persons escaping from the clutches of law. Further more, certain procedural mistakes are common in public administrations and such procedural mistakes are happening out of ignorance or otherwise.



7. Therefore, the Courts are also expected to be cautious. Only if the mistakes committed by the administration infringes the right of the person, then alone directions are to be issued, otherwise, the Courts must allow the authorities to conduct enquiry by following the procedures as contemplated. This being the principles to be followed, the petitioner shall set out all the explanations / grounds and thereafter the authorities have to conduct the enquiry and take a decision by following the procedures as contemplated under law by considering the explanations / objections if any filed.

8. This being the factum, the petitioner has not made out any grounds for the purpose of interference.

9. Accordingly, the Writ Petition stands dismissed. Consequently, connected Writ Miscellaneous Petition is closed. No costs.

Sd/-
Assistant Registrar (CS-III)

//True Copy//

Sub Assistant Registrar

Jeni / Kan

To

1.The Regional Transport Officer/Licensing Authority,
Transport Department,
Government of Tamil Nadu,
RTO, Pollachi Zone,
Tamil Nadu.

2.The Branch Manager,
Transport Department,
Udumalpet Branch,
Tiruppur Zone.

3.The Motor Vehicle Inspector,
Regional Transport Office,
Pollachi.

4.The Inspector of Police,
The State,
Aliyar Police Station,
Coimbatore.(Crime No.273 of 2021)

+lcc to the Government Pleader, SR.No.4270(09/03/2022)

W.P.No.791 of 2022

MT(CO)
SB(08/03/2022)