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W.P.No.34297 of 2013

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.07.2022

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THE HONOURABLE Mr. JUSTICE S.SOUNTHAR

W.P.No.34297 of 2013
and
M.P.Nos.1 and 2 of 2013

K.Kanagaraj

.. Petitioner

Vs.

1.The Appellate Authority/
Deputy Transport Commissioner,
Deputy Transport Commissioner Office,
Coimbatore-641 018.

2.The Regional Transport Officer,
Regional Transport Office,
Mettupalayam,
Coimbatore District.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a writ of certiorari to call for the entire records relating to the impugned order dated 13.11.2013 passed by the 1st respondent in Se.Mu.A.No.1433/A4/2013 modifying the order dated 23.05.2013 passed by the 2nd respondent in Se.Mu.A.No.14337/A3/2013 and quash the same.

For Petitioner

: M/s.L.Mouli



W.P.No.34297 of 2013

For Respondents

: M/s.P.Sanjai Gandhi
Government Advocate.

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ORDER

The writ petition is filed challenging the order passed by the 1st respondent dated 13.11.2013 in his proceedings Se.Mu.A.No.1433/A4/2013 modifying the order dated 23.05.2013 passed by the 2nd respondent.

2. The petitioner is working as driver in Tamil Nadu Transport Corporation, Mettupalayam, 2 Branch. The bus which was driven by the petitioner appeared to have involved in fatal accident on 19.04.2013, causing the death of a rider of a bike. Though petitioner claimed that the accident took place only due to rash and negligent driving of the deceased, the 2nd respondent issued show cause notice to the petitioner directing him to explain why his license should not be canceled. In-spite of his explanation that he was not responsible for the accident, the 2nd respondent passed an order dated 23.05.2013 whereunder the petitioner's license was suspended for a period of 6 months. Aggrieved by the same, the petitioner filed a statutory appeal before the 1st respondent under Section 21(3) of Motor Vehicles Act and the same was disposed by order dated 27.06.2013 whereunder the period



W.P.No.34297 of 2013

of suspension was reduced from 6 months to 4 months. Aggrieved by the same, the petitioner filed a writ petition in W.P.No.19747 of 2013 and the same was allowed mainly on the ground that the order passed by the 1st respondent was a non speaking order. The matter was remanded back to the file of 1st respondent with a direction to consider the case afresh and pass a speaking order.

3. Thereafter, the 1st respondent had taking up the matter again and passed an impugned order whereunder the period of suspension was reduced to 2 months. However in the impugned order, the 1st respondent has not given any reasons for his findings. Aggrieved by the same, the petitioner has come up with this present writ petition.

4. The learned counsel for the petitioner submitted that that in-spite of earlier direction by this Court, the 1st respondent has not passed a speaking order. Though the period of suspension was reduced to 2 months in favour of the petitioner, the conclusion of the 1st respondent to impose such a penalty to the petitioner is not supported by any reasons. The learned counsel



W.P.No.34297 of 2013

for the petitioner submitted that the 1st respondent being a Quasi Judicial Authority is expected to give reasons for his findings and in view of the fact that the 1st respondent passed a non speaking order and the same is liable to be set aside. The learned counsel for the petitioner also submitted that in the meantime the criminal case filed against the petitioner in C.C.No.241 of 2013 on the file of District Munsif cum Judicial Magistrate, Mettupalayam, ended in his favour by the order of acquittal. Therefore, he submitted that the suspension of the license is not at all warranted.

5. The learned Government Advocate for the first and the second respondent submitted that the bus driven by the petitioner involved in fatal accident and hence the 1st respondent rightly suspended the driving license of the petitioner for a period of two months. The learned Government Advocate also submitted that the first respondent has taken lenient view of the matter and suspended the license of the petitioner for a short period of two months and hence prayed for dismissal of the writ petition.

6. The perusal of the impugned order makes it clear that though the



W.P.No.34297 of 2013

period of suspension of driving license was reduced to two months from six months, the 1st respondent has not given any reasons for his conclusion to suspend the driving license of the petitioner. The first respondent is a Quasi Judicial Authority, when he passes an order which would prejudice the livelihood of the petitioner, he is expected to give reasons in support of his final conclusions. In spite of the earlier directions by this Court in W.P.No.19747 of 2013, the 1st respondent has not indicated any reasons for his conclusion that the driving license of the petitioner should be suspended. Now the learned counsel for the petitioner produced the order of acquittal passed by the Criminal Court in CC.No.241 of 2013 on the file the learned District Munsif Cum Judicial Magistrate, Mettupalayam.

7. Since the 1st respondent failed to comply with the directions of this Court in earlier writ petition W.P.No.19747 of 2013, the impugned order is set aside and remanded back to the file of the 1st respondent for fresh consideration. The 1st respondent is directed to pass a speaking order giving clear reasons for his conclusions. The 1st respondent is also directed to take into consideration the order of acquittal passed in favour of petitioner by



W.P.No.34297 of 2013

Criminal Court and decide the matter afresh in light of the findings therein.

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8. The writ petition is disposed of accordingly. Consequently, connected miscellaneous petitions are closed. No costs.

01.07.2022

Index :Yes/No
Internet:Yes/No
Speaking/Non speaking order

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To

1.The Appellate Authority/
Deputy Transport Commissioner,
Deputy Transport Commissioner Office,
Coimbatore-641 018.

2.The Regional Transport Officer,
Regional Transport Office,
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WEB COPY



W.P.No.34297 of 2013

S.SOUNTHAR, J.

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W.P.No.34297 of 2013

01.07.2022