



W.P.No.7803 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.03.2023

CORAM:

THE HONOURABLE MR.JUSTICE RMT.TEEKAA RAMAN

W.P.No.7803 of 2023

and

W.M.P.Nos.8022 and 8024 of 2023

Murugan

... Petitioner

Vs

The Regional Transport Officer,
Licensing Authority,
Office of the Regional Transport Authority,
RTO, Chennai (South)
Tamil Nadu

... Respondent

Prayer:- Writ Petition is filed, under the Article 226 of Constitution of India, to issue a Writ of CERTIORARIFIED Mandamus, calling for the records pertaining to the order dated 31.01.2023 passed by the respondent in Show Cause Order No.TN07/2023/81, quash the same and consequently direct the respondent to return forthwith the petitioner's original license bearing No.TN21X200300004282 without any endorsement.

For Petitioners : Mr.S.Sakthivel

For Respondents : Mr.R.Kumaravel,
Additional Government Pleader



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ORDER

This Writ Petition has been filed for quashing the order dated 31.01.2023 passed by the respondent by virtue of show cause notice dated 17.01.2013 whereby the petitioner was called upon the show cause as to why, the L.M.V driving license issued to the petitioner should not be cancelled for violation under Section 19(1)(d)&(f) of Motor Vehicle Act, 1988.

2. Taking note of the non submission of explanation, the respondent R.T.O, Chennai South has passed a final order by suspending the driving license of the petitioner for the period from 13.01.2023 to 12.07.2023. Challenging the said proceedings, the petitioner filed the present Writ Petition for the Writ of Certiorarified Mandamus to set aside the order and to return the driving license.

3. The learned counsel for the petitioner would contend that the petitioner was appointed as driver in the respondent-Corporation and having unblemished record of the service of 12 years. He further contended that, the petitioner had submitted his explanation on



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02.02.2023 and without considering the same, final orders have been passed. The second contention is that the impugned order dated 31.01.2023 signed on 01.02.2023 was despatched only on 14.02.2023 and the same was received by him on 16.02.2023. In support of his contention he has also produced the track consignment order from the website.

4. The learned Additional Government Pleader would contend that as against the impugned order, there exists an appeal under Section 19(3) read with Rule 17 Tamil Nadu Motor Vehicle's Rules, 1989, before the Appellate Authority. Taking note of the fact that the impugned show cause notice was despatched only on 14.02.2023 and received by the petitioner on 16.02.2023, an opportunity may be given to the petitioner by the excluding time limit during the pendency of the writ petition.

5. This Court has given its anxious consideration for the said submissions made by the petitioner counsel and perused of the typed set of papers especially Page No.36 wherein, a copy of the explanation said to have been given by the petitioner to the R.T.O., Thiruvananthapuram is annexed. However, there is no indication that it has been handed over to



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the R.T.O. When this Court, queried about the same, to the learned counsel for the petitioner, it is informed that the petitioner had handed over the same in person and there is no acknowledgement for the receipt of the said explanation said to have given by the petitioner on 02.02.2023. Hence, I have no hesitation to reject the said contention that he has offered his explanation.

6. The next point that was agitated by the petitioner counsel is that though the order dated 31.01.2023 was signed on 01.02.2023 and despatched on 14.02.2023 and the impugned final order was served upon 16.02.2023.

7. Accordingly, this Court finds that, there is no merit in this case and the Writ Petition stands dismissed. However, liberty is granted to the petitioner to move before the Appellate Authority, and in the interest of justice, time for filing an appeal is extended upto 05.04.2023. If any appeal is preferred by the petitioner, the Appellate Authority shall receive the appeal and dispose of on its own merits. No costs. Consequently, connected W.M.Ps are closed.

16.03.2023

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Index:Yes/No

Neutral Citation : Yes/No

To

The Regional Transport Officer,
Licensing Authority,
Office of the Regional Transport Authority,
RTO, Chennai (South)
Tamil Nadu



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RMT.TEEKAA RAMAN, J.

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