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Writ Petition No.9454 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 28.03.2023

PRONOUNCED ON : 12.04.2023

Coram:

THE HONOURABLE MR. JUSTICE RMT.TEEKAA RAMAN

Writ Petition No.9454 of 2023
and WMP No.9524 of 2023

C.Pal Pandian

.... Petitioner

Vs.

The Regional Transport Authority,
Office of the Regional Transport Authority,
Coimbatore – 641 018.

.... Respondents

Prayer: This Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus, calling for the records pertaining to the order dated 06.02.2023 issued by the respondent in Show Cause No.TN66/2023/24, quash the same and consequently, direct the respondent to return the petitioner forthwith his original licence bearing No.TN37 19820003189 without any endorsement, within a specified time.

For Petitioner: : Mr.R.Krishnasamy

For Respondent : Mr.R.Kumaravel
Additional Government Pleader



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4. According to the petitioner, he could contend that based upon the letter dated 23.01.2023, received from the Inspector of Police, attached to the East Coimbatore City, proceedings have been initiated and the same is violation of the rules.

5. Per contra, the learned counsel for the respondent could contend that FIR was registered on 17.01.2023 and on 24.01.2023, a show cause notice was issued, seeking petitioner's explanation within 10 days. The petitioner also gave his explanation on 03.02.2023. Thereafter, final orders have been passed on 06.02.2023 and it was served upon the petitioner, whereby his driving licence was suspended for a period of 5 months and 29 days. As against the impugned order, there is an appeal to the appellate authority viz., Deputy Transport Commissioner office of the Deputy Transport Commissioner, Coimbatore, within thirty days time and the same also been indicated in the impugned proceedings.

6. This Court finds that an order of suspension of driving licence has been passed under Section 19(1) (d) & (f) of the Motor Vehicles Act, 1988 read with Rule 21 of Central Motor Vehicles Rules, 1989 and as against this order, a statutory appeal has been provided in the Motor Vehicles Act.



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7. As stated supra, an appeal lies to Deputy Transport Commissioner and also taking note of the fact that FIR was registered on 17.01.2023; show cause notice was issued on 24.01.2023; reply was given on 03.02.2023; and the impugned order was on 06.02.2023, I am not inclined to entertain the writ petition. It is open to the writ petitioner to file an appeal before the appellate authority. The period of suspension appears to be 5 months and 29 days and hence, the appellate authority shall consider the quantum of punishment, while considering the appeal and shall dispose of the same on merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order.

8. With the above observation, the writ petition stands disposed of.
No Costs. Consequently, the connected Writ Miscellaneous Petition is closed.

12.04.2023

Index : Yes/No
Speaking order / Non-speaking order
Neutral Citation: Yes/No.
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To

The Regional Transport Authority,
Office of the Regional Transport Authority,
Coimbatore – 641 018.



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RMT.TEEKAA RAMAN,J

ars

Pre-delivery order in
Writ Petition No.9454 of 2023

12.04.2023