



W.P.(MD).No.11789 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 11.05.2023

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THE HONOURABLE MRS.JUSTICE S.SRIMATHY

**W.P.(MD).No.11789 of 2023
and
W.M.P.(MD).No.10199 of 2023**

Mahadevan

... Petitioner

Vs.

1.The Additional Transport Commissioner,
Trichy District.

2.The Regional Transport Officer,
Srirangam,
Trichy.

3.The Assistant Inspector,
Traffic Wing,
Samayapuram,
Trichy District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order passed by the 1st respondent in Na.Ka.No.117/A4/2023 dated 01.04.2023 confirming the order passed by the 2nd respondent in R.No.24170/A3 dated 11.10.2022 and quash the same and consequently direct the 1st respondent to revoke the cancellation of license No.TN 48 20010035296 and hand over the license to the petitioner.



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For Petitioner : Mr.A.Azhageson

For Respondents : Mrs.D.Farjana Ghoushia,
Special Government Pleader.

ORDER

This Writ Petition is filed challenging the impugned order passed by the 1st respondent dated 01.04.2023 confirming the order passed by the 2nd respondent dated 11.10.2022 and consequently direct the 1st respondent to revoke the cancellation of license No.TN 48 20010035296 and hand over the license to the petitioner.

2. The petitioner's license was cancelled on the allegation that the petitioner was driving the vehicle in the drunken mode. The respondents have issued a show cause notice. The contention of the respondents is that the petitioner's mother has received the notice and the petitioner is aware of the same. In spite of the same, the petitioner did not appear before the original authority. Thereafter, the original authority based on the records has passed an order cancelling the license of the petitioner. Aggrieved over the same, the petitioner has preferred an appeal and the appellate authority has also passed an order confirming the order of the original authority.



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3. On perusing these two orders, this Court is of the considered opinion that the original authority as well as the appellate authority have not stated any reasons for cancellation of license. Moreover, the impugned orders are passed without giving opportunity to the petitioner, since the petitioner has not appeared before the authorities for personal hearing. Hence, the impugned order is passed violating the principles of natural justice. Therefore, this Court setting aside the impugned orders passed by the original authority as well as the appellate authority. The petitioner is directed to appear before the original authority and make his written submission and the respondents shall grant personal hearing to the petitioner. After hearing the submissions as well as the written submission, the original authority shall pass a speaking order. The said exercise shall be completed within a period of ten (10) weeks from the date of receipt of a copy of this order.

4. In view of the above, this Writ Petition is allowed. No costs. Consequently, connected miscellaneous petition is closed.

11.05.2023

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
Nsr

<https://www.mhc.tn.gov.in/judis>



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To

- 1.The Additional Transport Commissioner,
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Trichy.
- 3.The Assistant Inspector,
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S.SRIMATHY, J.

Nsr

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