

No. E1/176/2018/TC

**Transport Commissionerate, Kerala,**  
2<sup>nd</sup> Floor, Trans Towers, Vazhuthacaud, Thycaud P.O Thiruvananthapuram - 14,  
[☎ 0471-2333337/2333317 FAX 0471-2333314]  
[www.mvd.kerala.gov.in](http://www.mvd.kerala.gov.in) [e-mail - [tcoffice@keralamvd.gov.in](mailto:tcoffice@keralamvd.gov.in) ]

Dated, 27/11/2018

From

The Transport Commissioner,  
Thiruvananthapuram.

To

All Regional Transport Officers,  
All Joint Regional Transport officers.

Sir,

Sub:- **Motor Vehicles Department** – Suspensions of licenses – Directions issued  
– reg.

Ref:- 1. Judgment in Santu Thomas.V, Joint Regional Transport Officer  
[ 2018 (1)KLT 377]  
2. Directions issued from this office from time to time.  
3. Judgment in WP(C) No 15361 of 2018 dtd 06/06/2018.


In the judgment first cited above the Hon'ble High Court of Kerala while considering a writ petition against the suspension of driving license observed that the proceedings of the respondent is on a printed/ cyclostyled proforma with some insertions here or there and by filling the blanks. The Hon;ble Court also observed that it shows a mechanical exercise of power by the licensing authority and as such, the same was set aside for non application of mind. The mandatory pre-requisites for an order under sub section (1) of section 19 of Motor Vehicle Act consistent with the principles of natural justice are missing in the proceedings. The court then directed to pass a reasoned order in conformity with the mandate of sub section (1) of section 19 of the Act, read with rule 21 of the Central Motor Vehicle Rules taking note of the orders and circulars governing the field after affording the petitioner an opportunity of being heard, as expeditiously as possible.

In connection with the above, instructions were issued to all officers concerned to be vigilant in such cases and to issue reasoned/speaking orders while exercising such powers. But in the judgment 3<sup>rd</sup> cited also the Hon'ble High

Court held the same view and passed an identical order which indicates that the officers are repeating the same mistakes and passing orders in a mechanical and careless manner. As per the direction from the Hon'ble Court the following directions are issued.

1. A show cause notice should be issued to the concerned in license suspension cases quoting the relevant sections, case number etc., of that particular case.
2. The license holders should be given an opportunity to be heard and this should be clearly mentioned in the show cause notice.
3. After hearing the license holder the licensing authority/Additional licensing authority shall issue orders recording the reasons in writing for disqualifying the person for a specified period. The order should contain a brief history of that particular case, the version of the license holder and the reasons which lead to the order. If the person did not appear for the hearing or did not file a reply to the notice it also should be recorded in the order
4. Pre-printed/cyclostyled copies should not be used for show cause notices and for the issuing orders of the licensing authority.

Yours faithfully,

  
Transport Commissioner  
