

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.08.2015

CORAM:

THE HON'BLE MR. JUSTICE R. MAHADEVAN

W.P.No.25679 of 2015

Pandian Driving School

[Petitioner]

Represented by its Owner R. Shanthi

No.1/165-2 Krishnapuram

Thummanankurchi Post

Namakkal Taluk and District.

... Petitioner

Vs

1 The Transport Commissioner
Transport Department Chepauk Chennai-5

2 The Licensing Authority
Namakkal (North) RTO Office Namakkal.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus directing the first respondent to dispose of the appeal dated 17.11.2014 preferred by the petitioner as against the order of the second respondent dated 24.10.2014 pending on the file of the first respondent.

For petitioner : Mr.R.Karthikeyan

For respondents : Mr.M.S.Ramesh, AGP

O R D E R

Heard the learned counsel for the petitioner and the learned Additional Government Pleader for the respondents and with their consent, the main writ petition itself is taken up for hearing.

2. This writ petition has been filed for the issuance of a writ of mandamus to direct the first respondent to dispose of the appeal dated 17.11.2014 preferred by the petitioner as against the order of the second respondent dated 24.10.2014 pending on the file of the first respondent.

3. The petitioner is running a Driving School as per the license granted by the Licensing Authority, Namakkal (North). On 01.09.2014, the 2nd respondent issued a show cause notice calling upon the petitioner to explain in respect of certain alleged irregularities based upon the alleged inspection conducted on 25.08.2014 in the driving school, for which, a reply was submitted to the 2nd respondent on 03.09.2014 by the petitioner. However, by proceedings dated 04.09.2014, the licensing authority, Namakkal (North), has ordered suspension of the license for a period of 30 days from 04.09.2014 to 30.10.2014. But, on 08.10.2014, the 2nd respondent, issued another show cause notice alleging that the school with the connivance of staff of ELCOT/Programmer in the Regional Transport Office, Namakkal (North) had created false records in the system in respect of certain individuals for grant of authorization to drive Transport Vehicles when the said persons had already had license only to drive private vehicles and that they did not pass 8th standard or underwent any test, for which, on 11.10.2014, the petitioner submitted a reply. On 24.10.2014, the 2nd respondent, passed an order revoking the license exercising powers under Rule 28 of the Central Motor Vehicles Rules, 1989, by confirming the allegations made in the show cause notice dated 08.10.2014. Aggrieved over the same, the petitioner preferred an appeal on 17.11.2014 before the 1st respondent. On 26.11.2014, the 1st respondent sent a communication to the 2nd respondent calling for reports and records. However, the appeal has not yet been disposed of. Hence, the petitioner on 14.01.2015 made a representation to the 1st respondent to dispose of the appeal at the earliest. Though the 1st respondent on 20.01.2015 has called for remarks and documents from the 2nd respondent, till date no such remarks and documents were sent and the appeal is kept pending. Hence, the petitioner is before this Court.

4. Admittedly, with respect to driving school licence, an order came to be passed on 24.10.2014 by the 2nd respondent, against which an appeal was preferred by the petitioner, which is pending consideration before the 1st respondent. Hence, the 1st respondent is directed to dispose of the appeal preferred by the petitioner on 17.11.2014, after granting due opportunity to the petitioner, on merits and in accordance with law, within a period of six weeks from the date of receipt of a copy of this order.

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The writ petition is disposed of with the above directions. No costs.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

rg

To

1 The Transport Commissioner
Transport Department Chepauk Chennai-5

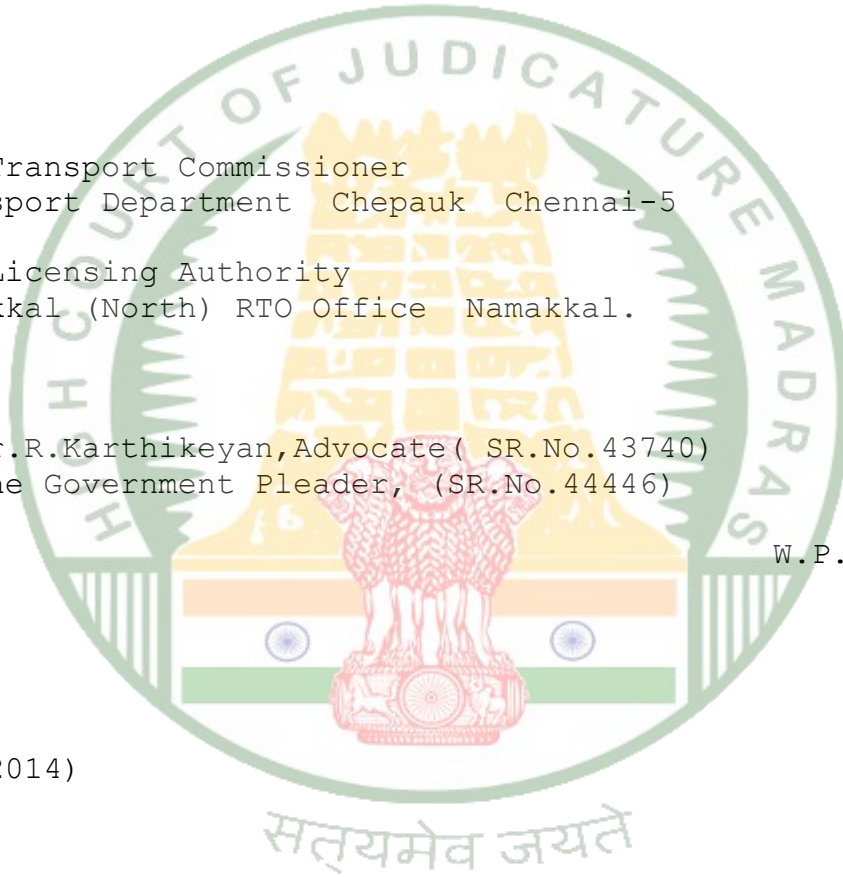
2 The Licensing Authority
Namakkal (North) RTO Office Namakkal.

1 CC to Mr.R.Karthikeyan, Advocate (SR.No.43740)

1 CC to the Government Pleader, (SR.No.44446)

W.P.No.25679 of 2015

GP (CO)
cp (05.11.2014)



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