

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.08.2015

CORAM:-

THE HONOURABLE MR. JUSTICE R. MAHADEVAN

W.P.No.26898 of 2015

R.Prabhu

... Petitioner

-Versus-

1.The Commissioner,  
Head of the Motor Vehicle Department,  
Chepauk, Chennai.

2.The Licensing Authority,  
Namakkal (North),  
Namakkal.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India for the relief of issuance of Writ of Mandamus directing the 1st respondent to dispose of the appeal filed by the petitioner against the order of the 2nd respondent in R.No.35719/B3/2014 dated 24.10.2014 which is pending on the file of the 1st respondent within a time frame to be fixed by this court.

For Petitioner : Mr.R.Marudhadchalamurthy

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

ORDER

Seeking to issue a mandamus directing the 1st respondent to dispose of the appeal filed by the petitioner on 20.11.2014, the petitioner is now before this court with this writ petition.

2. The case of the petitioner in brief is that he was issued with a licence for running a driving school in the name and style of "Sri Velavan Driving School". He was running the driving school by strictly adhering to the rules and regulations attached to the licence. While so, to his shock and surprise, a notice came to be issued on 08.10.2014 in R.No.35179/B3/2014 alleging that he had managed to obtain licences for some of the individuals, who did not even pass VIII Standard, to drive transport vehicles and calling upon

him to show cause as to why the licence granted to him should not be revoked under Rule 28 of the Central Motor Vehicle Rules, 1989. On receipt of the same, immediately, he submitted a detailed explanation on 11.10.2014 stating inter alia that he was not at all authorised to impart instructions to drive transport vehicles and the officials in the department abusing their power misused the name of the petitioner's driving school. However, not being satisfied with the explanations offered by the petitioner, the 2nd respondent passed the impugned order revoking the licence issued in the name of the petitioner w.e.f. 24.10.2014. Challenging the said order the petitioner preferred an appeal to the 1st respondent.

3. The grievance of the petitioner is that though he filed the appeal as early as on 20.11.2014, the same is pending for the past more than 9 months without any progress. Hence, he has no other option except to approach this court by way of this writ petition for appropriate direction.

4. Heard both sides and also perused the available records carefully.

5. Considering the limited scope of the prayer sought for in the writ petition, without going into the merits of the claim, this court directs the 1st respondent to consider the appeal filed by the petitioner on 20.11.2014 as against the order of the 2nd respondent in R.No.35719/B3/2014 dated 24.10.2014 and dispose of the same on merits and in accordance with law within a period of six weeks from the date of receipt of a copy of this order. No costs.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

kmk

To

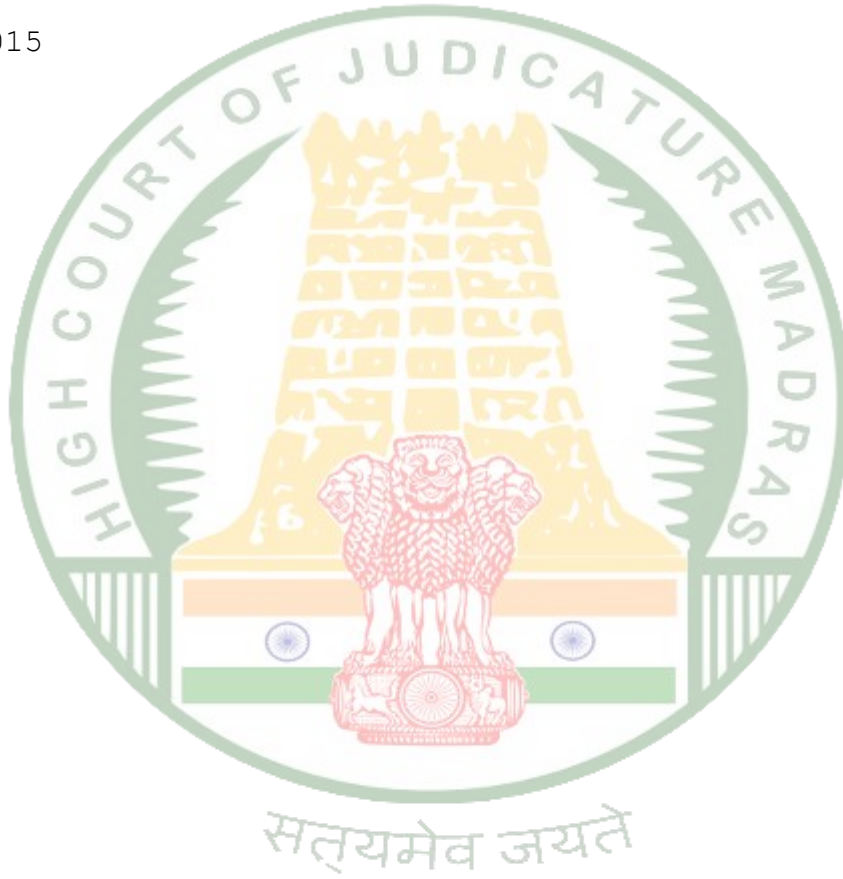
1.The Commissioner,  
Head of the Motor Vehicle Department,  
Chepauk, Chennai.

2.The Licensing Authority,  
Namakkal (North),  
Namakkal.

+1 cc to M/s.R.Marudhachalamurthy Advocate sr.46716  
+1 cc to Government Pleader vide sr.46361

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