

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.09.2015

CORAM:

THE HONOURABLE MR. JUSTICE R.MAHADEVAN

W.P.Nos.30630 to 30632 of 2015

and

M.P.Nos.1,2,1,2,1 and 2 of 2015

D.Indirani,
Proprietrix,
Chamundi Heavy Motor Driving School,
Salem - 7.

...Petitioner in W.P.No.30630 of 2015

A.Suganthi,
Proprietrix,
Surya Driving School,
Dindigul.

...Petitioner in W.P.No.30631 of 2015

M.Kadhar Ibrahim,
Proprietor,
Rock City Driving School,
Trichy.

...Petitioner in W.P.No.30632 of 2015

Vs.

1. The State of Tamil Nadu
rep. by its Principal Secretary,
Home (Transport) Department,
Fort St. George, Chennai - 9.

2. The Commissioner of Transport,
Chepauk, Chennai - 5.

...Respondents in all the W.Ps

Writ Petition filed under Article 226 of the Constitution of India seeking writs of Certiorari to call for the order of the first respondent dated 05.08.2010 in G.O.Ms.No.697 Home (Transport 5) Department and consequential order of the second respondent dated 17.06.2015 in R.No.22370/H1/2008 and to quash the same only in so far as it relates to the petitioners is concerned.

For Petitioner : Mr.K.Hariharan in all the W.Ps
For Respondents : Mr.M.S.Ramesh
Addl. Govt. Pleader

COMMON ORDER

By G.O.Ms.No.697, Home (Transport - 5) Department dated 05.08.2010, the Government restricted that the training programmes to be conducted only by the Government Institutions and not by the private individuals or private Institutions. Challenging the same, these writ petitions came to be filed.

2.Heard the learned counsel for the petitioners and the learned Additional Government Pleader appearing for the respondents.

3.On an earlier occasion, this Court in W.P.Nos.19157 of 2010 etc., batch cases, by order dated 27.06.2011, permitted the writ petitioners to make necessary representations, to the first respondent therein, for the reconsideration of the conditions imposed on them, by way of the Government Order, in G.O.Ms.No.697, Home (Transport - 5) Department dated 05.08.2010, within a period of fifteen days from the date of that order and on receipt of such representations being made, the first respondent therein was directed to consider the same and pass appropriate orders thereon, on merits and in accordance with law, as expeditiously as possible.

4.Inspite of the said order, today, the learned Additional Government Pleader would submit that, till date, no representations have been received by the respondents from any of the petitioners.

5.However, the learned counsel for the petitioners submitted that the Driving School Owners Association had given a representation dated 11.07.2011 to the respondents in person and a copy of the same has been enclosed in the typed set of papers but the petitioners are not able to produce the acknowledgment card. The learned counsel also submitted that after receipt of the representation, the then Secretary of the first respondent had assured that the grievances of the petitioners would be looked into and pending consideration, they permitted the petitioners to conduct the refresher course till date.

6.Under such circumstances, the learned Additional Government Pleader fairly submitted that to give quietus to this issue, the petitioners be directed to submit their representations to the respondents, within a time frame as stipulated by this Court and on

such representations being made, the respondents will consider and pass orders on the same, in accordance with law.

7. Though the prayer in these writ petitions is to challenge G.O.Ms.No.697, Home (Transport - 5) Department dated 05.08.2010, at the time of submitting their arguments, the learned counsel for the petitioners confined their prayer only to provide yet another opportunity to the petitioners for placing their grievances to the authorities concerned, and they have also made an endorsement to that effect.

8. Heard both sides

9. Admittedly, this Court passed an order in W.P.No.19157 of 2010 on 27.06.2011, directing the petitioners to submit a representation. The petitioners claim that their Association submitted the representation dated 11.07.2011, which is denied by the respondents. Had it not been true, the respondents should not have allowed the petitioners to conduct the course as on date. In view of the above, these writ petitions are disposed of with a direction to the petitioners to file their representations to the respondents, within a period of two weeks from the date of receipt of a copy of this order and on such representations being submitted by the petitioners herein, the same shall be considered and necessary orders be passed by the respondents, within a further period of four weeks.

10. At this juncture, the learned counsel for the petitioners submitted that the order of status quo granted by this Court may be extended till the disposal of their representations to be given by the petitioners.

11. In view of the above submission made by the learned counsel for the petitioners, status quo already granted by this Court is extended till the disposal of the representations to be filed by the petitioners.

No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Deputy Registrar (J)

//True Copy//

Sub Assistant Registrar

mmi

To

1. The Principal Secretary,
Home (Transport) Department,
Fort St. George, Chennai - 9.

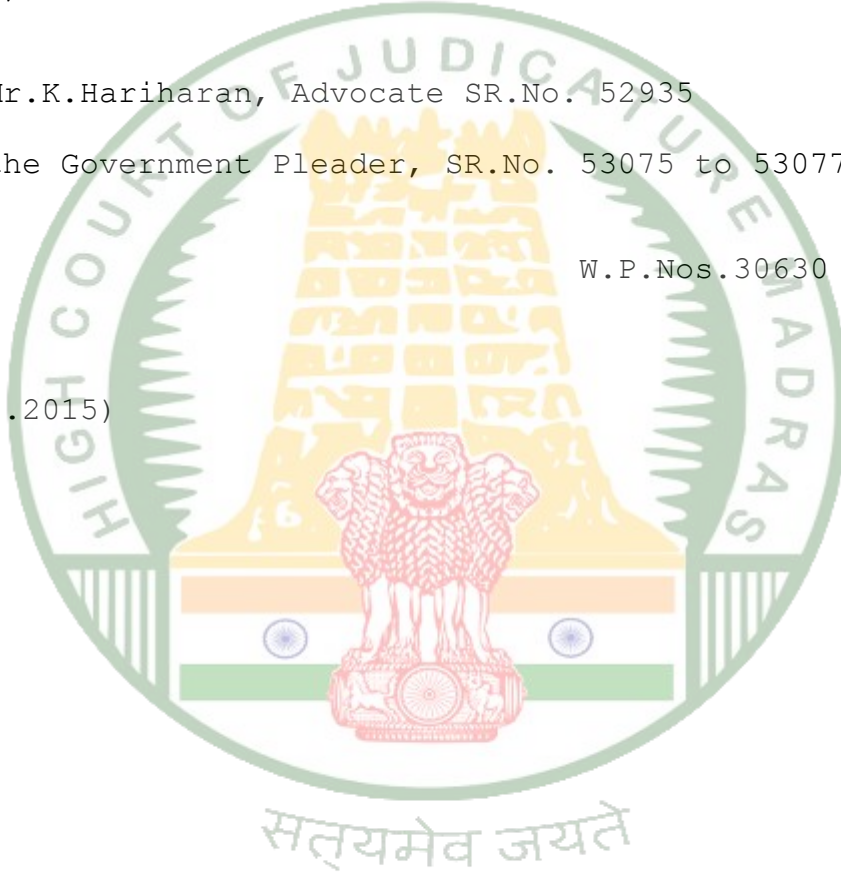
2. The Commissioner of Transport,
Chepauk, Chennai - 5.

3 CCs to Mr.K.Hariharan, Advocate SR.No. 52935

3 CCs to the Government Pleader, SR.No. 53075 to 53077

W.P.Nos.30630 to 30632 of 2015

VGI (CO)
PSI (14.10.2015)



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