

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.04.2016

CORAM

THE HONOURABLE Mr. JUSTICE M.DURAI SWAMY

W.P.No.9710 of 2014

&

M.P.No.2 of 2014

Super Driving School
Rep. By its Proprietor
A. Sahul Ammed
No.55, Santhan & Kanthan Complex
Opp. Jeeva Depot
Gobichettipalayam
Erode District

... Petitioner

Vs.

1. The Transport Commissioner
Chepauk, Chennai - 600 005.
2. The Regional Transport Authority/
Licensing Authority
Gobichettipalayam
Erode District

... Respondents

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, calling for the records relating to the order of the 1st respondent dated 26.3.2014 in Se.Mu.Aanai No.67942/Ka.1/2012 and the order of the 2nd respondent dated 9.11.2012 in the Proceedings Order No.20744/A5/2012 and quash the same and consequently direct the respondents to renew the Driving School Licence of the petitioner with effect from 21.8.2012.

For Petitioner : Mr.K.Selvaraj

For Respondents : Mr.M.S.Ramesh
Additional Government Pleader

ORDER

The petitioner has filed the above writ petition to issue a Writ of Certiorarified Mandamus to call for the records relating to the order of the first respondent dated 26.3.2014 and the order of the second respondent dated 9.11.2012, to quash the same and consequently direct the respondents to renew the Driving School Licence of the petitioner with effect from 21.8.2012.

2. It is the case of the petitioner that the petitioner has been successfully running the Driving School for more than 25 years without any complaint. The 1st respondent, by letter dated 31.12.2012, has required all the Regional Transport Officers in Tamil Nadu to implement the Transport Commissioner's Circular No.62/2011 as per the decision of this court dated 10.8.2012 in M.P.No.1 of 2012 in W.P.No.23612 of 2012. Therefore, the Circular No.62/2011 has not been implemented by the respondents till 31.12.2012. Further, according to the petitioner, the respondents have literally and factually not implemented the Circular No.62/2011 and the concerned Regional Transport Officers are renewing the Driving School Licences even though the driving schools have not complied with the conditions contained in Circular No.62/2011. However, the petitioner alone was discriminated and singled out by the respondents, since the petitioner has approached this court to seek redressal of his grievances. The respondents declined to renew the Driving School Licence stating that the petitioner had not complied with the conditions stated in the Circular No.62/2011. Aggrieved over the said over, the petitioner has filed the present writ petition.

3. The respondents field their counter wherein the respondents have stated that the following irregularities were found at the time of inspection of the petitioner's Driving School by the Motor Vehicle Inspector Gr-I, Regional Transport Office, Gobichettipalayam and the irregularities were not yet rectified by the petitioner.

(1) The model of the Motor Vehicle with Gear Registration Number TN 33 X 7140 (Year of Registration 1995) is 17 years old. So the vehicle is not within 8 years model as per para 8.1.1 of the Transport Commissioner's Circular No.62 of 2011.

(2) The model of the Light Motor Vehicle Registration Number No. 37 A 111 (Year of Registration 1990) is 22 years old. So the vehicle is not within 8 years model as per para 8.1.1. of the Transport Commissioner's Circular No.62 of 2011.

(3) 3D animated power point presentation of cut section models not available as per 8.1.3 of the Transport Commissioner's Circular No.62 of 2011.

(4) Instructor not attended the virtual training for Driving Instructor for one month as per para 31.1.24.2 of the Transport Commissioner's Circular No.62 of 2011.

(5) The driving school has only 220 sq. feet space instead of 600 sq.feet as per para 8.1 of the Transport Commissioner's Circular No.62 of 2011.

4. Mr.M.S.Ramesh, learned Additional Government Pleader, appearing for the respondents, submitted that in the event of petitioner complying with the conditions and the defects pointed out by the respondents, the application submitted by the petitioner for renewal of Driving School Licence may be considered by the respondents.

5. Mr.K.Selvaraj, learned counsel appearing for the petitioner submitted that the petitioner had complied with the defects pointed out by the respondents.

6. In view of the submissions made by the learned counsel on either side, I am of the view that the respondents can be directed to consider the petitioner's application for renewal provided the petitioner rectify all the defects pointed out by the respondents in their counter.

7. In these circumstances, the impugned order passed by the first respondent dated 26.3.2014 and the order of the second respondent dated 9.11.2012 are set aside and the matter is remitted back to the second respondent for fresh consideration. The second respondent is directed to consider the petitioner's application for renewal provided the petitioner rectify all the defects stated above to the satisfaction of the second respondent.

With these observations, the writ petition is allowed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

सत्यमेव जयते
Sub Assistant Registrar

Rj

To

1. The Transport Commissioner
Chepauk, Chennai - 600 005.

2. The Regional Transport Authority/
Licensing Authority
Gobchettipalayam
Erode District

+1cc to Mr.K.Selvaraj, Advocate, S.R.No.23047

+1cc to the Government Pleader, S.R.No.23187

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