

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 20.05.2016

CORAM

THE HONOURABLE MR. JUSTICE K.KALYANASUNDARAM

W.P. No.18168 of 2016 and
W.M.P.Nos.15933 & 15934 of 2016

Durai Driving School,
Rep.by its Proprietor, A.Easwaran,
No.205, Veerapathran Veedhi,
Sakthi Road, Erode - 638 003. ... Petitioner

Vs.

- 1.The State of Tamil Nadu,
Rep.by its Principal Secretary,
Home [Transport] Department,
Fort St.George, Chennai - 600 009.
- 2.The Commissioner of Transport,
Chepauk, Chennai - 600 005.
- 3.The Regional Transport Officer,
Erode [West], Erode,
Erode District. ... Respondents

PRAYER : Writ Petition has been filed under Article 226 of the Constitution of India to issue a Writ of Certiorari, calling for the records relating to the order of the first respondent dated 05.08.2010 in G.O.[Ms]No.697, Home [Transport-5] Department and the consequential order of the second respondent dated 17.06.2015 in R.No.22370/H1/2008 and quash the same only in so far as it relates to the petitioner.

For Petitioner : Mr.K.Selvaraj

For Respondents : Mr.P.Sanjay Gandhi
Additional Government Pleader

O R D E R

The petitioner has filed the above writ petition to issue a Writ of Certiorari to call for the records relating to the order of the first respondent dated 5.8.2010 in G.O.Ms No.697, Home (Transport-5) Department and the consequential order of the second respondent dated 17.6.2015 in R.No.22370/H1/2008 and quash the same.

2. The learned counsel for the petitioner submitted that the issue, involved in the present writ petition, is covered by the decision of this Court made in W.P.Nos.19362 of 2015 etc., batch dated 15.09.2015. In the said order, this Court passed the following order:

"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."

3. Mr.P.Sanjay Gandhi, learned Additional Government Pleader, taking notice for the respondents, submitted that the relief sought for in the writ petition is covered by the decision of this Court made in WP No. 19362 of 2015 etc., batch dated 15.09.2015.

4. Following the order passed in the said batch of writ petitions, the above writ petition is disposed of with a direction to the petitioner to file his representation to the respondents within a period of two weeks from the date of receipt of a copy of this order and on such representation being submitted by the petitioner, the same shall be considered and necessary orders be passed by the respondents, within a period of four weeks thereafter. There shall be an order of Statut-quo till the disposal of the representation by the respondents. With these observations, the writ petition is disposed of. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar (VO)

//True Copy//

Sub Assistant Registrar

To

- 1.The Principal Secretary,
Government of Tamil Nadu,
Home [Transport] Department,
Fort St.George, Chennai - 600 009.
- 2.The Commissioner of Transport,
Chepauk, Chennai - 600 005.
- 3.The Regional Transport Officer,
Erode [West], Erode,
Erode District.

+1cc to the Government Pleader Sr.28696
+1cc to Mr.K.Selvaraj, Advocate sr.28702

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pur (CO)
srg (24/05/2016)