

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.11.2016

CORAM :

The Honourable Mr. Justice T.S.SIVAGNANAM

Writ Petition No.38850 of 2016 &  
WMP.Nos.33304 & 33305 of 2016

P.R.Ramaraj Driving School, rep.  
by its Proprietor Thiru R.Ramaraj ...Petitioner

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

PETITION under Article 226 of The Constitution of India for the issuance of a Writ of Certiorari to call for the records of the first respondent in G.O.Ms.No.697 Home (Transport V) Department dated 5.8.2010 and the consequential order of the second respondent in R.No.22370/H1/2008 dated 17.06.2015 and quash the same only in so far as it relates to the petitioner.

For Petitioner : Mr.T.Padmanabhan  
For Respondents : Mr.S.Diwakar, SGP

ORDER

Mr.S.Diwakar, learned Special Government Pleader accepts notice for the respondents. Heard both. By consent, the writ petition itself is taken up for final disposal.

2. By G.O.Ms.No.697, Home (Transport - V) Department dated 5.8.2010, the Government restricted the training programmes to be conducted only by the Government Institutions and not by the private individuals or private Institutions. Challenging the same, this writ petition has been filed.

3. On an earlier occasion, this Court in W.P.Nos.19157 of 2010 etc., batch cases, by order dated 27.6.2011, 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 5.8.2010, 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. In spite of the said order, today, the learned Special Government Pleader would submit that, till date, no representations have been received by the respondents from the petitioner.

5. However, the learned counsel for the petitioner has submitted that the Driving School Owners Association had given a representation dated 11.7.2011 to the respondents in person. The learned counsel has also submitted that after receipt of the representation, the then Secretary of the State had assured that the grievances of the persons like the petitioners would be looked into and pending consideration, they permitted them to conduct the refresher course.

6. Under such circumstances, the learned Special Government Pleader has fairly submitted that to give quietus to this issue, the petitioner may be directed to submit their representation to the respondents, within a time frame as stipulated by this Court and on such representation being made, the respondents will consider and pass orders on the same in accordance with law.

7. Though the petitioner has challenged G.O.Ms.No.697, Home (Transport-5) Department dated 5.8.2010, at the time of submitting their arguments, the learned counsel for the petitioner has confined his prayer only to provide yet another opportunity to the petitioner for placing their grievances to the Authorities concerned.

8. Admittedly, this Court passed an order in W.P.No.19157 of 2010 on 27.6.2011, directing the petitioners therein to submit a representation. The petitioner has claimed that their Association submitted the representation dated 11.7.2011, which is denied by the respondents. Had it not been true, the respondents should not have allowed the persons like the petitioners to conduct the course as on date.

9. In view of the above, this writ petition is disposed of with a direction to the petitioner to give a 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 herein, the same shall be considered and necessary orders be passed by the respondents, within a further period of four weeks thereafter. No costs. Consequently, the above WMPs are closed.

10. At this juncture, the learned counsel for the petitioner has submitted that the order of status quo granted by this Court to similarly placed persons may be extended to the petitioner also till the disposal of their representation.

11. In view of the above submission made by the learned counsel for the petitioner, there shall be an order of status quo in this case also till the disposal of the representation to be filed by the petitioner.

Sd/-

Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

To

1.The Principal Secretary to Government of Tamil Nadu, Home (Transport)

Department, Fort St. George, Chennai-9.

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

+1cc to Mr.T. Padmanabhan, Advocate, S.R.No.64483

+1cc to the Government Pleader, S.R.No.643392

KS(CO)

CA(02/12/2016)

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