

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.04.2017

CORAM

THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU

Writ Petition No.10520 of 2017
and
WMP Nos.11429 & 11430 of 2017

B.Jayapalan
Proprietor Sri Bhuvaneswari
Driving School
No.1/163, Elumichanahalli,
Palacode Taluk
Dharmapuri District. ..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

Writ petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorari, to call for the records of the order of the 1st respondent, dated 05.08.2010 in G.O.Ms. No.697, Home (Transport-5) Department and Consequential order of the 2nd 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 is concerned.

For Petitioner : Mr.K.Hariharan
For Respondents : Mr.Akhil Akbar Ali,
Government Advocate.

ORDER

The petitioner is running a driving school. He is aggrieved by the order issued by the first respondent in G.O.Ms.No.697, Home (Transport-5) Department dated 05.08.2010 and consequential order of the second respondent dated 17.06.2015. The issue involved in this case pertains to conducting of the training programmes to the driving schools, which is restricted by the impugned Government Order only to the Government Institutions, not to the Private Institutions.

2. Both sides submitted that the said issue was considered by this Court in similar writ petition and an order was passed directing the petitioner therein to give a representation to the respondents and consequently directing the respondents to pass orders on such representation. One such order passed in WP.No.38850 of 2016 dated 08.11.2016 is placed before this Court. It is further seen from the said order that an order of status quo was also granted in favour of the petitioner therein, till the disposal of the representation, to be filed by the petitioner therein. Both sides agreed that the same order can be passed in this matter also.

3. Accordingly, this writ petition is disposed of, by granting liberty 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. On receipt of such representation, the respondents shall consider the same and pass orders within a period of four weeks thereafter. Till an order is passed in the said representation, the respondents shall maintain status quo as on today. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

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To

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

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

+ 1 cc to MR.K. Hariharan, Advocate Sr.24900

W.P.No.10520 of 2017

SV(CO)
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