

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.04.2017

CORAM:

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

Contempt Petition No.504 of 2017

K.Rajendran
S/o.Karuppiah Mudaliar,
No.1/56A, Mariamman Koil Street,
Sidderi Post, Attur Taluk,
Salem District. ... Petitioner

Vs.

The Regional Transport Officer,
rep. by E.Rajendran,
Therku Kadu,
Attur, Salem District,
Pincode - 636 102. ... Respondent

Contempt Petition filed under Section 11 of Contempt Act, 1971 seeking to punish the respondent for willfully disobeying the order dated 18.02.2015 passed in W.P.No.3234 of 2015.

For Petitioner : Mr.N.V.Balaji
For Respondent : Mr.D.Arokiasamy,
Government Advocate

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ORDER

This Contempt Petition is filed seeking to punish the respondent for willfully disobeying the order dated 18.02.2015 passed in W.P.No.3234 of 2015.

2. When the matter was taken up for hearing, learned counsel for the petitioner submitted that the order of this Court dated 18.02.2015 passed in W.P.No.3234 of 2015 has

not been complied with, more particularly in the light of paragraphs 8 and 9 of the said order.

3. For better understanding, paragraphs 8 and 9 of the order dated 18.02.2015 passed in W.P.No.3234 of 2015, are extracted hereunder:

"8. However, at the outset, it is relevant to note that when the petitioner applies for renewal of the driving licence that expires on 05.04.2015, the authority is empowered to insist the medical certificate to ascertain the physical fitness. Admittedly, the petitioner lost one phalanx in all his three fingers in the year 2008. Thereafter, he has been driving the vehicle, except for the short period of suspension, that has been imposed by the authorities. Hence, the action of the respondent in rejecting the renewal of licence amounts to deprivation of livelihood of the petitioner and as such, I am of the view that the impugned order dated 13.01.2015 is liable to be quashed.

9. In the result, this Writ Petition is allowed and the impugned order is set aside and the petitioner may be permitted to drive the heavy vehicle, which he was driving prior to the suspension and during the currency of the driving licence as the driving licence was not cancelled, but it was only suspended. This Court makes it clear that if the petitioner seeks for renewal of his heavy vehicle driving licence, the petitioner shall comply with the mandatory provisions of the Motor Vehicles Act, 1988, including that of the production of medical certificate issued by the competent authority. No costs. ... "

4. Learned counsel for the petitioner drew the attention of this Court to the order dated 27.04.2016 passed by the Assistant Licensing Authority-cum-Motor Vehicles Inspector, Salem, and contended that the authorities have completely given a go-by to the directions

of this Court.

5. On a perusal of the order dated 27.04.2016 passed by the Deputy Transport Commissioner (i/c) and Appellate Officer, Salem, it is seen that the petitioner was permitted to drive the vehicle, subject to the outcome of the decision taken by the authorities. Whether the authorities have given a go-by to the order as contended by the petitioner and whether the petitioner will be entitled to drive the light/heavy vehicle, are all matters discussed by the appellate authority in the order dated 27.04.2016.

6. If at all the petitioner is aggrieved, it is open to the petitioner to challenge the same and it cannot be said that contempt has been made out. However, this Court makes it very clear that this order will not preclude the petitioner from challenging the order dated 27.04.2016 passed by the appellate authority.

This Contempt Petition is closed with the above observation.

SD/-
JOINT REGISTRAR (OS) I/C

//Certified to be true copy//

Dated at Madras this the day of 2017.

COURT OFFICER (O.S.)

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SS/CO/18/05/2017

To

The Regional Transport Officer,
rep. by E.Rajendran,
Therku Kadu,
Attur, Salem District,
Pincode - 636 102.

one cc to the Govt.Pleader, High Court, sr.No.5232/17

one cc to M/s.N.V.Balaji & K.Rathinavel, Advocate,
sr.No.3201/17.



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