

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 02.01.2017

CORAM

THE HONOURABLE Mr.JUSTICE RAJIV SHAKDHER

W.P.Nos.44422 of 2016
and W.M.P.No.38268 of 2016

Thangam Driving School,
Rep. by its Proprietor B.Elango,
No.D,53/4, North East Extension,
6th Cross, Thillai Nagar,
Trichy 620 018. 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 a Writ of Certiorari calling for the records relating to the order of the 1st respondent dated 05.08.2010 in G.O.(Ms) No.697 Home (Transport-5) Department and the consequential order of the 2nd respondent dated 17.6.2015 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.C.Jagadish
Spl. Govt. Pleader [Tax]

O R D E R

1. Issue notice. Mr.C.Jagadish, learned Special Government Pleader, accepts notice on behalf of the respondents.

2. With the consent of counsel for the parties, the captioned Writ Petition is taken up for final hearing and disposal.

3. The petitioner claims that he is holding a license, granted by the concerned licensing authority, for imparting instructions in driving of motor vehicles, since 1999. The petitioner's grievance is that, it was also imparting training and issuing certificates for heavy vehicles to drivers of heavy vehicles. This was being done, according to the petitioner, in terms of G.O.Ms.No.604, Home [Transport-5] Department, dated 26.05.2008.

3.1. According to the petitioner, the said Government Order was amended, insofar as this aspect of the matter is concerned by G.O.Ms.No.697, Home [Transport-5] Department, dated 05.08.2010. The amendment, which was brought about was that, training and certificates for heavy vehicles by holding Refresher Course was to be given, only, by Road Transport Institutes and by State Transport Corporations, who were referred to in the annexure, appended to the said Government Order. According to the petitioner, this amendment, which was incorporated in G.O.Ms.No.697, was challenged in a batch of Writ Petitions, the lead Writ Petition being : W.P.No.19157 of 2010.

3.2. Learned counsel says that this Court in those Writ Petitions, has granted an order of Status Quo till such time, representations made by the petitioners in those Writ Petitions are considered and disposed of.

4. It is also submitted that the order passed in W.P.No.19157 of 2010 has been reiterated by this Court in W.P.Nos.19362 of 2015, 3650 of 2016 and 18168 of 2016. In this regard, my attention has been drawn, to the orders dated 15.09.2015, 07.03.2016 and 20.05.2016, which are appended at Page Nos.25, 65 and 68 of the typed set of documents filed with the Writ Petition.

5. Counsel for the petitioner seeks a similar direction in the captioned Writ Petition.

6. Mr.C.Jagadish, who appears for the respondents says, that in view of earlier orders passed by this Court, this Writ Petition can also be disposed of, in line, with the directions issued in those Writ Petitions by this Court.

7. Accordingly, the Writ Petition is disposed of, with a direction to the petitioner to make a representation to the respondents, within a period of two weeks from the date of receipt of a copy of the order passed today. The respondents will consider the representation, and pass necessary orders,

within a period of four weeks thereafter. The respondents will note that the order passed shall be a speaking order.

8. Consequently, pending Miscellaneous Petition is closed. There shall, however, be no order as to costs.

Sd/-
Asst.Registrar (CS IV)

/true copy/

Sub Asst. Registrar

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To

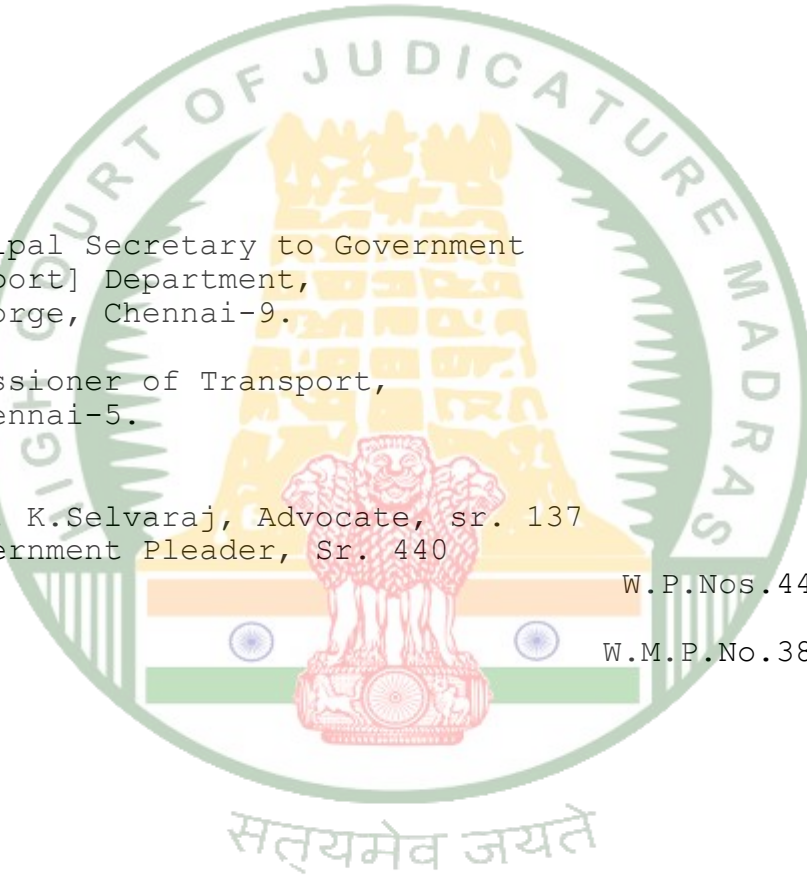
1.The Principal Secretary to Government
Home [Transport] Department,
Fort St. George, Chennai-9.

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

1 cc to M/s. K.Selvaraj, Advocate, sr. 137
1 cc to Government Pleader, Sr. 440

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