

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 29.06.2018
CORAM

THE HON'BLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P.No.13029 of 2008
and
M.P.Nos.2 and 3 of 2008

A.P.M.Nagoor Meeran

... Petitioner

Vs.

1. The Licencing Authority-cum-Regional
Transport Officer, Tenkasi,
Tirunelveli District.

2. The Special Commissioner and
Transport Commissioner, Chepauk,
Chennai - 600 005.

... Respondents

Writ Petition is filed under Article 226 of the
Constitution of India, to issue a Writ of Certiorari, calling
for the records of the second respondent relating to letter
R.No.51018/H1/2007 dated 31.10.2007 (Circular No.43/2007) and
quash the same.

For Petitioner : Mr.Sree Krishnan
No Appearance

For Respondents : Mrs.Thangavadhana Balakrishnan
Additional Government Pleader

ORDER

This Writ Petition has been filed to call for the records
of the second respondent relating to letter R.No.51018/H1/2007
dated 31.10.2007 (Circular No.43/2007) and to quash the same.

2. The case of the petitioner is that his father, namely,
A.P.Masood, was running a driving school in the name of
A.P.M.Driving School at Sengottai and later, he died on
30.08.2007. After the demise of A.P.Masood, one of his sons,
namely, A.P.M.Nagoor Meeran, who is the petitioner herein, had
obtained legal heirship certificate from the Tashsildar and had
also obtained no objection certificate for transferring the
driving school which was running by his father, in his name from
his father's name. Thereafter, the petitioner has approached the
first respondent for transferring the driving school in his name
from his father's name, but, the first respondent, by an order
dated 14.05.2008 in R.No:3068/B3/2008, has refused to transfer
the same, by relying upon the letter of the Transport

Commissioner made in No:51018/H1/2007 dated 31.10.2007 (Circular No.43/2007) and by holding that there is no provision under the Motor Vehicles Act and the Central Motor Vehicles Rules, to transfer the driving school to the name of the legal heirs on the death of the licence holder and the licence ceased to be effective as and when the owner dies.

3. The petitioner has also made an application to the Transport Commissioner, for getting a fresh license in his name for continuing the driving school of his deceased father, but, the same was rejected in N.Dis.No:25602/B3/2007 dated 13.11.2007 on the ground that the petitioner has not adhered to the terms of the Circular No.43/2007 dated 31.10.2007. Hence, the petitioner, with no other alternative, has filed the present Writ Petition, challenging the said Circular dated 31.10.2007 issued by the second respondent.

4. While admitting the Writ Petition, this Court has granted interim stay. When the matter was taken up for final disposal on 25.06.2018, this Court has directed the learned Additional Government Pleader to get instructions regarding the issue. Today, when the matter is taken up, the learned Additional Government Pleader would submit that the respondents had granted licence to the petitioner on 11.12.2009 itself and the petitioner has also been running the said driving school without any interference.

5. Recording the above submission made by the learned Additional Government Pleader, the Writ Petition is dismissed. No Costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar (CS-V)

// True Copy//

सत्यमेव जयते Sub Assistant Registrar

To

1. The Licencing Authority-cum-Regional
Transport Officer, Tenkasi,
Tirunelveli District.

2. The Special Commissioner and
Transport Commissioner, Chepauk,
Chennai - 600 005.

+lcc to Government Pleader SR.No.42263

W.P.No.13029 of 2008
and M.P.Nos.2 and 3 of 2008

SMI/31.08.2018