

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.07.2018

CORAM:

THE HONOURABLE MR. JUSTICE T.RAJA

W.P.No.18073 of 2018

I.Edwin David

... Petitioner

Vs

The Licensing Authority-cum-the
Regional Transport Officer,
Tambaram, Chennai-45.

... Respondent

Prayer: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondent to consider the representation-cum-application of the petitioner dated 17.01.2018 for the transfer of ownership of the Driving School Licence from the name of the petitioner's deceased father (rate) to the name of the petitioner in respect of Zion Driving School, No.58, Old State Bank Colony Main Road, West Tambaram, Chennai-45.

For Petitioner : Mr.S.Govindaraman

For Respondent : Mrs.K.Bhuvaneswari, AGP

O R D E R

The Writ Petition has been filed seeking to issue a Writ of Mandamus, directing the respondent to consider the representation-cum-application of the petitioner dated 17.01.2018 for the transfer of ownership of the Driving School Licence from the name of the petitioner's deceased father to the name of the petitioner in respect of Zion Driving School, No.58, Old State Bank Colony Main Road, West Tambaram, Chennai-45.

2. Learned Counsel appearing for the petitioner submitted that the Zion Driving School was established by the father of the petitioner, namely, Mr.Isaac Benjamin and he was also granted licence for running the driving school by the Licencing Authority-cum-the Regional Transport Officer, Tambaram, the respondent herein. As the father of the petitioner passed away on 20.10.2016 leaving behind his three sons and two daughters, the petitioner continued the said driving school as an Instructor. Subsequently, he made an application on 17.01.2018 requesting to transfer the ownership of the driving licence from

the name of his father to his name. That apart, even during the life time of his father, he made a request to the respondent on 20.7.2016 to shift the driving school from its present premises to another place at No.2/10, I Floor, 3rd Cross Street, New Colony, Chrompet, Chennai-44. On receipt of the same, the respondent by Memo No.E3/46461/2017 dated Nil.3.2018 directed the petitioner to furnish the details about the administration of the school for the period from 21.10.2016 to 16.01.2018 and the same has been furnished by the petitioner. On 03.05.2018, the petitioner has once again submitted a representation to the respondent enclosing the relevant documents and requested to effect the transfer of ownership of the driving school from the name of the petitioner's deceased father to his name. Since the same has not been considered, the petitioner is before this Court with this Writ Petition.

3. The learned Counsel for the petitioner further submitted that in a similar circumstance, while disposing of W.P.No.29797 of 2008 dated 20.01.2009 holding that there cannot be any impediment for the Licensing Authority to consider the question of transmission, directed the 1st respondent therein to consider the eligibility of the petitioner therein with reference to Rule 24 of the Central Motor Vehicles Rules, 1989 and to pass appropriate orders, if the petitioner is found to be qualified in accordance with the Rule 24. Therefore, following the same, the present Writ Petition has to be allowed.

4. Heard the learned Additional Government Pleader appearing for the respondent.

5. Following the order passed by this Court in a similar circumstance in W.P.No.29797 of 2008 dated 20.01.2009, this Court is of the view that there is no impediment for the Licensing Authority to consider the question of transmission and accordingly, the respondent shall consider the eligibility of the petitioner with reference to Rule 24 of the Central Motor Vehicles Rules, 1989 and pass appropriate orders, if he is found to be qualified in accordance with the Rule 24.

6. The Writ Petition is disposed of accordingly. No costs.

Sd/-

Assistant Registrar(Audit)

//True Copy//

Sub Assistant Registrar

tsi

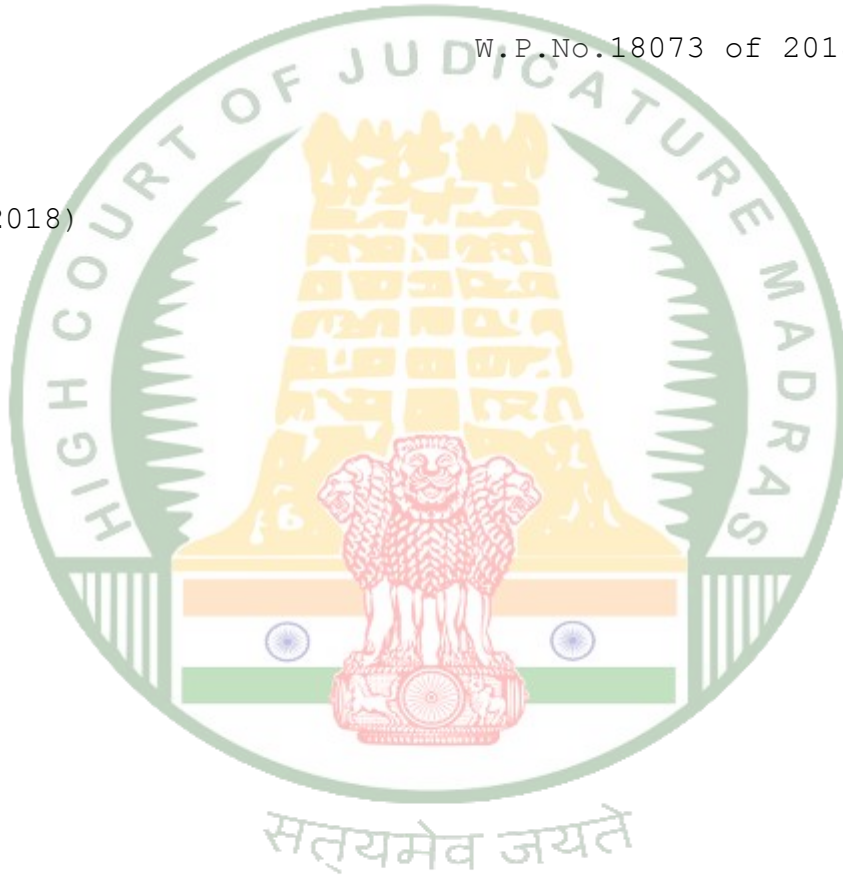
To

The Licensing Authority-cum-the
Regional Transport Officer,
Tambaram, Chennai-45.

+ 1 cc to MR.S. Govindaraman, Advocate Sr.47716
+ 1 cc to the Government Pleader sr.48028

W.P.No.18073 of 2018

BR(CO)
EU(06/08/2018)



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