

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.01.2018

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THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU

Writ Petition No.1875 of 2018

and

W.M.P.Nos.2332 & 2333 of 2018

Sri Amman Heavy Driving School
Rep. by its Proprietor A.Murugesan
4/1, Arts College Road,
Elayamuthur Road,
Udumalpet, Triuppur District-642 126. Petitioner

vs.

1. The State of Tamil Nadu
Rep. by its Principal Secretary
Home, (Transport) Department
Fort St.George, Chennai-600 009.
2. The Commissioner of Road Transport
"Ezhilagam"
Chepauk, Chennai-600 005.
3. The Licensing Authority / Regional Transport Officer
Dharapuram,
Tiruppur District. Respondents

Writ petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari to call for the records relating to the order of the 1st respondent dated 5.8.2010 in G.O.(Ms.)No.697, Home (Transport-5) Department and the consequential order of the 2nd respondent dated 17.06.2015 in R.No.22370/H1/2008 and quash the same only insofar as it relates to the petitioner.

For Petitioner : Mr.K.Selvaraj
For Respondents : Mr.E.Balamurugan
Additional Government Pleader

O R D E R

Mr.E.Balamurugan, learned Additional Government Pleader takes notice for the respondents. By consent of both parties, this writ petition is taken up for final disposal at the admission stage itself.

2. The petitioner has challenged the G.O.Ms No.697, Home (Transport-5) Department dated 05.08.2010 and the consequential order of the second respondent dated 17.6.2015 in R.No.22370/H1/2008, wherein and whereby, the Government has issued orders to impart one day refresher training course and issue course completion certificate only by the 21 Heavy Vehicle Driver Training Centres of Institute of Road Transport and Tamil Nadu State Transport Corporation.

3. The learned counsel for the petitioner submitted that the issue, involved in the present writ petition, is covered by the decision of this Court made in W.P.Nos.19362 of 2015 etc., batch dated 15.09.2015. In the said order, this Court passed the following order:

"Admittedly, this Court passed an Order in W.P.No.19157 of 2010 on 27.06.2011, directing the petitioners to submit a representation. The petitioners claim that their Association submitted the representation dated 11.07.2011, which is denied by the respondents. Had it not been true, the respondents should not have allowed the petitioners to conduct the course as on date. In view of the above, these writ petitions are disposed of with a direction to the petitioners to file their representations to the respondents, within a period of two weeks from the date of receipt of a copy of this order and on such representations being submitted by the petitioners herein, the same shall be considered and necessary orders be passed by the respondents, within a further period of four weeks.

10. At this juncture, the learned counsel for the petitioners submitted that the order of status quo granted by this Court may be extended till the disposal of their representations to be given by the petitioners.

11. In view of the above submission made by the learned counsel for the petitioners, status quo already granted by this Court is extended till the disposal of the representations to be filed by the petitioners."

4. Mr.E.Balamurugan, learned Additional Government Pleader submitted that the relief sought for in this writ petition is covered by the decision of this Court made in WP No. 19362 of 2015 etc., batch dated 15.09.2015.

5. Following the order passed in the said batch of writ petitions, this writ petition is disposed of, with a direction to the petitioner to file his representation to the respondents within a period of two weeks from the date of receipt of a copy of this order and on such representation being submitted by the petitioner, the same shall be considered and necessary orders be passed by the respondents, within a period of four weeks thereafter. There shall be an order of Status-quo till the disposal of the representation by the respondents.

6. With these observations, the writ petition is disposed of. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

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To

1. The State of Tamil Nadu
Rep. by its Principal Secretary
Home, (Transport) Department
Fort St.George, Chennai-600 009.
2. The Commissioner of Road Transport
"Ezhilagam"
Chepauk, Chennai-600 005.
3. The Licensing Authority / Regional Transport Officer
Dharapuram,
Tiruppur District.

+1cc to Ms.K.Selvaraj, Advocate Sr.No.6658
+1cc to Government Pleader SR.No.7447

RR(CO)
sm:14.2.2018

W.P.No.1875 of 2018
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