



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 14.11.2018

CORAM :

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

WP (MD) No.21761 of 2018

and

WMP (MD) Nos.19683 & 19684 of 2018

WEB COPY

Sri Muthumariamman Driving School,
2/219, 2/220, Karpaga Vinayagar Colony,
S.N.Puram, Sivakasi,
Virudhunagar District,
Rep.by its Proprietor,
R.Chellapandian

... Petitioner

Vs.

The Regional Transport Officer,
Sivakasi, Virudhunagar District.

... Respondent

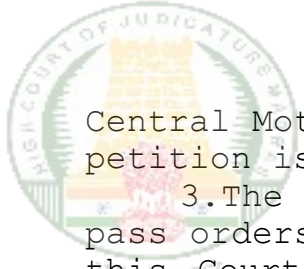
Prayer : Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned proceedings issued by the respondent in his proceedings in Se.Mu.Aa.No.19707-A3-18 dated 14.08.2018 and quash the same and consequently direct the respondent to renew the license of the petitioner's Driving School.

For Petitioner
For Respondent

: Mr.N.Sankar Ganesh
: Mr.Aayiram K.Selvakumar
Additional Government Pleader
ORDER

The petitioner is a holder of a license which enables him to run a driving school. License was granted in the year 1999. It came up for renewal. However, the license was not renewed on the ground that the petitioner suffered conviction and sentenced in Spl.Case No.38 of 2014 on the file of the Special Court for Trial of Prevention of Corruption Act Cases cum Chief Judicial Magistrate's Court, Virudhunagar District at Srivilliputhur. The petitioner however has filed an appeal before this Court and the appeal is still pending. Sentence imposed on the petitioner has since been suspended.

2.The authority had invoked Rule 24(3)(1) of the Central Motor Vehicles Rules, 1989 which requires that the applicant should be of good moral character. But, as per Rule 24(5), the licensing authority must give an opportunity of being heard to the applicant before passing an order of refusal. In this case, such an opportunity was not given. Therefore, on the ground of non compliance with the requirements set out in Rule 24(5) of the



Central Motor Vehicles Rules, 1989, the order impugned in this writ petition is set aside.

3. The matter is remitted to the file of the respondent to pass orders afresh in accordance with law. It is made clear that this Court has not expressed any opinion on the merits of the matter. The interference has been made only on the ground of non compliance with the requirements set out in Rule 24(5) of the Central Motor Vehicles Rules, 1989. This writ petition is allowed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/

Assistant Registrar(CS-III)

/True copy/

Sub Assistant Registrar(CS-II)

To

The Regional Transport Officer,
Sivakasi, Virudhunagar District.

+1cc to Mr.N.SANKAR GANESH, Advocate, SR.No.95273

+1cc to M/s.Special Government Pleader, SR.No.95407

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