

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.08.2019

CORAM:

THE HON'BLE MR. JUSTICE M.S. RAMESH

W.P.No.18048 of 2009
and M.P.No.2 of 2009

M.Dhandapani

...Petitioner

vs.

1.The Principal Secretary
cum Transport Commissioner,
Chepauk, Chennai - 600 005.

2.The Licensing Authority
cum Regional Transport Officer,
Vellore, Vellore District.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to call for the records of the first respondent relating to circular No.43 of 2007 dated 31.10.07 issued in Letter No.51018/H1/2007 and quash the same and direct the second respondent to consider and pass orders on the petitioner's application for establishing a driving school at Vaniyambadi as per the petitioner's application received by the second respondent on 25.08.2006.

For Petitioner : No appearance

For Respondents : Mr.A.Zakir Hussain for
R1 & R2
Government Advocate

ORDER

When the Circular No.43 of 2007 dated 31.10.2007 was challenged before this Court in a batch of writ petitions in W.P.No.35479 of 2007, etc, and the same came to be dismissed by this Court on 28.10.2009, upholding the Circular No.43 of 2007 dated 31.10.2007. The same Circular No.43 of 2007 dated 31.10.2007 is under challenge in the present writ petition also.

2.The aforesaid order of the learned Single Judge in W.P.No.35479 of 2007, etc, dated 28.10.2009, has also been confirmed by the Hon'ble Division Bench of this Court in W.A.Nos.613, 633, 634, 635, 817 and 889 of 2010 dt. 28.07.2010, wherein it has been observed as follows:

"37.In the light of the above discussion, we confirm the order passed by the learned Single Judge and dismiss the writ appeals. However, there shall be no order as to costs.

At the time of pronouncement of judgment, all the counsel representing various driving schools made a representation that even in the original Government Order, a time limit of six months was fixed for the existing driving schools to implement the various regulations imposed in the Circular dated 31.07.2007. Thereafter, when the writ petitions were filed, they had the benefit of interim order till the final disposal of the writ petitions on 28.10.2009. Since no interim order was granted in the writ appeals, the main writ appeals are taken up for disposal. Now that the matter has come to an end. **In view of the fact that the Government had already extended time till 30.9.2010, the Appellants state that the Government could consider further extension of time without prejudice to their rights.

38."As already the Government has granted time till 30.9.2010 this court feels appropriate that for implementation of regulation imposed in the circular dated 31.10.2007, the period may be extended by the Government upto 31.12.2010 by which time all the existing driving schools should implement all the specifications as formulate in the regulations. But his will not apply to the new driving schools".

3.In view of the earlier order passed by this Court upholding the impugned Circular, it would not be appropriate to consider the prayer in the present writ petition. Hence, the writ petition stands dismissed. However, there shall be no order as to costs. Consequently, connection miscellaneous petition is closed.

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Sd/-
Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

pam
To

1.The Principal Secretary cum Transport Commissioner,
Chepauk, Chennai - 600 005.

2.The Licensing Authority cum Regional Transport Officer,
Vellore, Vellore District.

+1 cc to Government Pleader Sr.No. 66330

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pa

A.SK(18/09/2019)



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