



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.09.2020

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P. (MD)No.2128 of 2020

and

W.M.P (MD)No.1791 of of 2020

WEB COPY

Naagai Mavatta Oottunar Payirchipalli
Urimayalargal Sangam,
(Reg No.83 of 2007)
828-A, Co-operative Nagar, 8th Street,
Mayiladuthurai - 609 118.
By its President V.Ramasamy

... Petitioner

Vs.

- 1.The Transport Commissioner,
Department of Transport,
Chepaukkam,
Chennai - 600 005.
- 2.The Deputy Transport Commissioner,
No.8, Abdul Khabarkhan Street,
Chinnachokkikulam,
Madurai.
- 3.The Deputy Transport Commissioner,
1st Cross Street, Nirmala Nagar,
Thanjavur.
- 4.The Regional Transport Officer,
Madurai North, Melur Road,
Madurai - 625 007.
- 5.The Regional Transport Officer,
Coimbatore - Nagapattinam Highway,
Thanjavur - 613 005.
- 6.The Regional Transport Officer,
44, Vellal Agaram, Poombokar Road,
Mayiladuthurai - 609 001.

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, forbearing the respondents to impose the clause Nos.3.1.24.2 and 3.1.24.3 in

<https://hcservices.ecourts.gov.in/hcservices/>



Circular No.62 of 2011 as per the order passed in W.P.(MD)No.22943 of 2017 dated 01.08.2018 by this Court and based upon the petitioner's representation dated 28.06.2019.

For Petitioner : Mr.K.K.Kannan
For Respondents : Mr.P.Mahendran
Additional Government Pleader

O R D E R

Heard the learned counsel on either side.

2. The learned counsel for the petitioner states that though the impugned order mentioned in the writ petition have already been quashed, vide order, dated 01.08.2018 in W.P.(MD) No.2294 of 2017, the respondents are still insisting on its compliance.

3. The learned Additional Government Pleader, in response to the allegation informs me that the Circular No.29/2020, bearing R.No.16207/HB1/2020, dated 03.08.2020, has already been issued, directing all the Licensing Authorities / Assistant Licensing Authorities to follow scrupulously without fail, the order passed by this Court.

4.The said circular reads as under :

"I invite your kind attention of this office circular No.62 /2011.

In the circular No.62/2011, it has been prescribed to follow certain instructions for the establishment of the Driving Schools in Tamil Nadu, wherein the following instructions were issued for the functioning the Driving Schools.

"3.1.24.2. The instructor shall undergo virtual training for one month either at the Institute of Road Transport, Gummidipoondi - Tharamani or in the training school of Ashok Leyland, Namakkal, GDN Advanced Driving School, Coimbatore as per the syllabus prescribed in the enclosed Annexure-D. After every two years period, the instructors shall have to undergo refresher training courses and pass the same.

3.1.24.3. Refresher course for a period of two days every year, shall have to be undergone as per the syllabus prescribed in the enclosed Annexure-E."

In the reference 3rd cited, Hon'ble Madurai Bench of Madras High Court, Madurai has struck off the above instructions issued by this office vide

<https://hcservices.ecourts.gov.in/cases/> No.62/2011 and ordered as follows :-



"Insofar as the Clause Nos.3.1.24.2 and 3.1.24.3 in Circular No.62 of 2011 vide proceedings in Letter R.No.51018/H1/07, dated 11.11.2011, imposing a regulation does not reveal any reasonable reasons to the object sought to be achieved and in excess of the Act and Rules, shall be construed as ultra vires. Such regularization is not sustainable in the eye of law and accordingly, they are struck off."

Hence, all the Licensing Authorities / Assistant Licensing Authorities are instructed to follow scrupulously without fail."

5.Recording the same, the Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS-II)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

rm

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the Advocate / litigant concerned.

To

- 1.The Transport Commissioner,
Department of Transport,
Chepaukkam,
Chennai - 600 005.
- 2.The Deputy Transport Commissioner,
No.8, Abdul Khabarkhan Street,
Chinnachokkikulam,
Madurai.
- 3.The Deputy Transport Commissioner,
1st Cross Street, Nirmala Nagar,
Thanjavur.



4.The Regional Transport Officer,
Madurai North, Melur Road,
Madurai - 625 007.

5.The Regional Transport Officer,
Coimbatore - Nagapattinam Highway,
Thanjavur - 613 005.

6.The Regional Transport Officer,
44, Vellal Agaram, Pombokar Road,
Mayiladuthurai - 609 001

+1 CC to M/s.K.K. KANNAN, Advocate (SR-16042[F] dated
07/09/2020)

+1 CC to M/s.GP (SR-16132[F] dated 07/09/2020)

W.P. (MD) No.2128 of 2020
04.09.2020

SJ(CO)
TR(17.09.2020) 4P 9C