



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.10.2020

CORAM:

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P. (MD)No.13754 of 2020

R.Pradeepan

... Petitioner

Vs

The Regional Transport Officer,
Regional Transport Office,
5/145(1)-Madurai Main Road,
Kuthukalvalasai, Tenkasi.

... Respondent

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, calling for the records of the respondent relating to his impugned rejection proceeding in m.jp.K.m.T189/A3/2020, dated 25.02.2020 and to quash the same and consequently directing the respondent to issue the badge license to the petitioner by way of entertaining his application in Application No.563298320, dated 08.02.2020.

For Petitioner : Mr.B.Anandan

For Respondent : Mr.C.Ramesh

Special Government Pleader

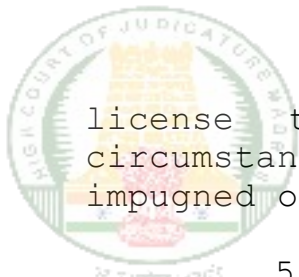
ORDER

This Writ Petition has been filed challenging the order dated 25.02.2020, passed by the respondent herein.

2. Heard Mr.B.Anandan, learned counsel appearing for the petitioner and Mr.C.Ramesh, learned Special Government Pleader appearing for the respondent.

3. By consent of both sides, this writ petition is taken up for final disposal at the admission stage itself.

4. The petitioner applied for a badge license on 08.02.2020 with the respondent. According to the petitioner, he is already possessing a valid LMV driving license, issued by the respondent and in order to drive transport vehicles, he applied for a badge license on 08.02.2020. According to the petitioner, in the impugned order dated 25.02.2020, the respondent has rejected his application on 08.02.2020, on the ground that a criminal case in Crime No.169 of 2019, is pending against him, for the alleged offence punishable under Sections 294(b), 387 and 506 (ii) of I.P.C., on the file of the Inspector of Police, Pavoorchathiram Police Station. According to the petitioner, he has not committed any such offence. Further, the registration of



license to the petitioner by the respondent. In such circumstances, this Writ Petition has been filed challenging the impugned order of the respondent, dated 25.02.2020.

5. Mr.C.Ramesh, learned Special Government Pleader appearing for the respondent, submits that the order passed by the respondent, is not a final order. He would rely upon Rule 8 of Tamil Nadu Motor Vehicles Rules, 1989. He would also rely upon a Circular No.43/2000, dated 23.03.2020, issued by the Transport Commissioner, Transport Department, Chepauk, Chennai-5. According to him, as per the said Rule, the respondent, on receipt of an application for issuance of a driving license, may make such enquiries, as may be reasonably necessary to establish the identity of the applicant and to ascertain that the applicant is not disqualified or liable to be disqualified for holding a driving license. According to him, the respondent made enquiries, as per Rule 8 of Tamil Nadu Motor Vehicles Rules, 1989 and found that an F.I.R., has been registered against the petitioner in respect of the alleged criminal offences. According to him, only for the aforementioned reasons, the petitioner has not been issued with badge license for driving transport vehicles.

6. This Court has perused and examined Rule 8 of Tamil Nadu Motor Vehicles Rules, 1989 and the circular referred to by the learned Special Government Pleader

7. As seen from Rule 8 of the aforesaid Rules, only persons who are disqualified or liable to be disqualified cannot be issued with a driving license. In the case on hand, a criminal case has been registered against the petitioner, not involving the vehicle and further the petitioner has not been convicted of the alleged offences. Admittedly, the petitioner is in possession of a valid LMV driving license and the same has also not been cancelled by the respondent. The Motor Vehicles Act and its Rules does not bar an applicant from obtaining a driving license, if any criminal case is pending against the said applicant. In the case on hand also, only the First Information Report has been registered against the petitioner and the petitioner is not a convict. The petitioner has submitted an application for obtaining badge license on 08.02.2020. Admittedly, no final orders have been passed by the respondent, with regard to the said application and the impugned order dated 25.02.2020, is only an order, intimating the petitioner that he is not entitled to get a badge endorsement in his driving license. But, it does not refer to the application dated 08.02.2020, submitted by the petitioner, seeking for badge endorsement in his driving license. The application, dated 08.02.2020 submitted by the petitioner for badge driving license, will have to be considered by the respondent on merits and in accordance with the statutory



provisions provided for under the Motor Vehicles Act, 1988 and the corresponding rules. Instead of considering the application dated 08.02.2020 submitted by the petitioner, the respondent without any basis has intimated the petitioner that he is not entitled for badge endorsement in his driving license.

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8. For the foregoing reasons, the impugned proceedings dated 25.02.2020, passed by the respondent, is hereby quashed and the respondent is directed to consider the application dated 08.02.2020, submitted by the petitioner, for badge endorsement in his driving license on merits and in accordance with law and in case, if the same is rejected by the respondent, they shall give sufficient reasons for the same in the final order, to be passed by them. The respondent shall pass final orders within a period of eight weeks from the date of receipt of a copy of this order.

9. With the aforesaid directions, the Writ Petition stands disposed of. No costs.

Sd/-

Assistant Registrar ()

// True Copy //

/ /2020

Sub Assistant Registrar (CS)

tsg

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
The Regional Transport Officer,
Regional Transport Office,
5/145(1)-Madurai Main Road,
Kuthukalvalasai,
Tenkasi.

+1 CC to SGP (SR-19316[F] dated 07/10/2020)

W.P. (MD)No.13754 of 2020

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SS (CO)

KM (20.10.2020) 3P 3C

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