

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:29.03.2021

Coram

The HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P.Nos.7423,7448 & 7503 of 2021

and

W.M.P.Nos. 7938, 7939, 7962, 7965, 8020 & 8023 of 2021

K.Rajasekaran
S/o Kumarasamy,
Sole Proprietor,
Sri Saravana Driving School,
Having registered office at
No.35, Sri Renuga Nagar, Mullipet,
Arni Taluk,
Tiruvannamalai - 632 316 ...Petitioner in W.P.No.7423 of 2021

S.Palani,
S/o Sanmugam,
Sole Proprietor,
Sri Lakshmi Narasimmar Driving School,
Having registered office at
No.87, Abdulkalam Street,
PNMN Thirumanamandabam,
backside,
Sevoor,Arni - 632 301.Petitioner in W.P.No.7448 of 2021

N.Raja Rao
S/o Narasimhan
Sole Proprietor,
M/s. Raja Driving School,
Having registered office at
No.49, Arni to Vellore Road
Tiruvannamalai - 632 316.Petitioner in W.P.No.7503 of 2021

vs.

1. State of Tamil Nadu
rep. By the Additional Chief Secretary to Government
Home Department,
Secretariat,
Fort St.George,
2. The Additional Chief Secretary/
Transport Commissioner,
Transport Department,
Ezhilagam,
Chepauk,
Chennai - 600 005.

3. Regional Transport Officer,
Regional Transport Office,
Raghunathapuram Koot Road,
SH 132, Sevoor, Arani - 632 316.

4. The Deputy Superintendent of Police,
Vigilance and Anti-Corruption,
Vengikal,
Tiruvannamalai District.

5. District Inspection Cell Officer,
Vellore Collectorate,
Vellore - 632 012.

..Respondents in all WPs

Prayer in W.P.No.7423/2021:

Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus to call for the records of the 2nd respondent in proceedings R.No.28623/HB1/2020 dated 23.02.2021 and quash the same and consequently direct the 3rd respondent to issue necessary permit to the petitioner to run his Driving School "M/s. Sri Saravana Driving School (License No.05/TVM/2005) at premises bearing No.35, Sri Renuga Nagar, Mullipet, Arni Taluk, Tiruvannamalai - 632 316.

Prayer in W.P.No.7448/2021:

Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus to call for the records of the 2nd respondent in proceedings R.No.28624/HB1/2020 dated 23.02.2021 and quash the same and consequently direct the 3rd respondent to issue necessary permit to the petitioner to run his Driving School "M/s. Sri Lakshmi Narasimmar Driving School (License No.09/TVM/2005) at premises bearing No.87, Abdulkalam Street, PNMN, Tirumanamandabam backside, Sevoor, Arni-632 301.

Prayer in W.P.No.7503/2021:

Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus to call for the records of the 2nd respondent in proceedings R.No.28622/HB1/2020 dated 23.02.2021 and quash the same and consequently direct the 3rd respondent to issue necessary permit to the petitioner to run his Driving School "M/s. Raja Driving School" (License No.12/TVM/1993) at premises bearing No.49, Sarni to Vellore Road, Arni-632 316.

For Petitioners
For Respondents

...
...

Mr.Richardson Wilson
Mr.Kumaresh Babu,
Additional Advocate General

assisted by
Mr.Elumalai,
Additional Government Pleader
for R1 to R5

COMMON ORDER

These writ petitions are filed as against the orders passed by the 3rd respondent/State Transport Appellate Authority confirming the order passed by the 2nd respondent/Regional Transport Authority, in and by which, the license granted to the petitioners to run the driving school was cancelled.

2. When the matter is taken up for admission, Mr.Kumaresh Babu, learned Additional Advocate General appearing on behalf of the respondents, by referring to Section 90 of the Motor Vehicles Act, 1988, submitted that the remedy of revision is available to the petitioners before the State Transport Appellate Tribunal. Section 90 of the Motor Vehicles Act 1988, is extracted hereunder:

90. Revision:- The State Transport Appellate Tribunal may, on an application made to its, call for the records of any case in which an order has been made by a State Transport Authority or Regional Transport Authority against which no appeal lie, and if it appears to the State Transport Appellate Tribunal that the order made by the State Transport Authority or Regional Transport Authority is improper or illegal, the State Transport Appellate Tribunal may pass such order in relation to the case as it deems fit and every such order shall be final:

Provided that the State Transport Appellate Tribunal shall not entertain any application from a a person aggrieved by an order of the state Transport Authority or Regional Transport Authority, unless the application is made within thirty days from the date of the order.

Provided further that the State Transport Appellate Tribunal may entertain the application after the expiry of the said period of thirty days, if it is satisfied that the applicant was prevented by good and sufficient cause from making the application in time.

Provided also that the State Transport Appellate Tribunal shall not pass an order under this section prejudicial to any person without giving him a reasonable opportunity of being heard.

3. Since the petitioners are having a remedy of revision before the State Transport Appellate Tribunal as per Section 90 of the Motor Vehicles Act, 1988, these Writ Petitions are

disposed of with liberty to the petitioners to work out their remedy before the State Transport Appellate Tribunal. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CS III)

/TRUE COPY/

Sub-Assistant Registrar

vsi
To

1. The Additional Chief Secretary to Government,
Home Department,
Secretariat,
Fort St.George,
2. The Additional Chief Secretary/
Transport Commissioner,
Transport Department,
Ezhilagam,
Chepauk,
Chennai - 600 005.
3. Regional Transport Officer,
Regional Transport Office,
Raghunathapuram Koot Road,
SH 132, Sevoor, Arani - 632 316.
4. The Deputy Superintendent of Police,
Vigilance and Anti-Corruption,
Vengikal, Tiruvannamalai District.
5. District Inspection Cell Officer,
Vellore Collectorate,
Vellore - 632 012.

+3CC TO MR.RICHARD WILSON, ADVOCATE, SR.NO. 20653,20654,20655

WEB COPY

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SR. II (CO)
KKN 30.04.2021