



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.09.2021

CORAM :

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Writ Petition No.18135, 18146 and 18151 of 2021
and W.M.P.Nos.19352, 19354 and 19355 of 2021, 19364 of 2021,
19365 of 2021, 19367 of 2021, 19371 & 19372 of 2021

S.Palani	...Petitioner in W.P.18135 / 2021
K.Rajasekaran	...Petitioner in W.P.18146 / 2021
N.Raja Rao	...Petitioner in W.P.18151 / 2021

-Vs-

1. State of Tamil Nadu
rep.by its Additional Chief Secretary to
Government, Home Department
Secretariat, Fort St.George
Chennai - 600 009.
 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 the
Writ Petitions

Prayer in W.P.No.18135/2021 : Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus calling for the records of the 2nd Respondent in proceedings R.No.28624/HB1/2020 dated 23.2.2021 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.18146/2021 : Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus calling for the records of the 2nd Respondent in proceedings R.No.28623/HB1/2020 dated 23.2.2021 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.18151/2021 : Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus calling for the records of the 2nd Respondent in proceedings R.No.28622/ HB1 / 2020 dated 23.2.2021 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, Arni to Vellore Road, Arni-632 316.

For Petitioners : Mr.Adithyaraj for
M/s.P.Wilson Associates

For Respondents : Mr.U.Baranidharan
Government Advocate

C O M M O N O R D E R

On consent given by either side, the main writ petitions are taken up for final hearing.

2. The issue involved in all these writ petitions are common and hence they are taken up together, heard and disposed of through this common order.

3. All these writ petitions challenge the order passed by the Transport Commissioner in exercise of his appellate jurisdiction under Rule 30 of the Central Motor Vehicle Rules, 1989.

4. The case of the petitioners is that, they are running a driver training school after getting proper licence from the concerned authorities for the last so many years. A surprise inspection was conducted on 11.10.2019 by the officials belonging to the fourth and fifth respondents and it is alleged that unaccounted money was seized from the office of the



petitioners. Thereafter, a F.I.R., came to be registered by the Vigilance and Anti Corruption Wing, Tiruvannamalai under Section 7 of the Prevention of Corruption Act, 2018 read with Section 102 of Cr.P.C. The investigation is pending.

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5. In the meantime, a show cause notice came to be issued by the third respondent wherein the petitioners were called upon to explain the source of the possession of money that was seized from their respective offices. The petitioners individually gave their reply for the show cause notice and explained their stand. The third respondent, on receipt of the reply, through the impugned proceedings dated 23.11.2020, cancelled the licence issued to run the driving school and directed the petitioners to surrender the original driving school licence immediately.

6. Aggrieved by the same, the petitioners filed an appeal under Rule 29 of the Central Motor Vehicle Rules 1989 before the second respondent. The second respondent has passed the impugned order rejecting the appeal and confirmed the decision taken by the third respondent to cancel the driving school licence. Aggrieved by the same, all these writ petitions have been filed before this Court.

7. The petitioners had approached this Court on an earlier occasion by challenging the order passed by the second respondent and this Court disposed of the writ petitions by an order dated 29.03.2021 directing the petitioners to work out their remedy under Section 90 of the Motor Vehicles Act, 1988 by filing a revision before the State Transport Appellate Tribunal. Accordingly, the petitioners also filed revision petitions before the Tribunal.

8. The State Transport Appellate Tribunal, Chennai, by an order dated 27.07.2021 rejected the revision petitions on the ground that a revision petition will not lie against the order passed by the appellate authority and it does not fall within the scope of Section 90 of the Motor Vehicles Act. Left with no other option, the petitioners have once again approached this Court challenging the order passed by the second respondent.

9. Heard Mr.Adithyaraj, learned counsel appearing on behalf of the petitioners and Mr.U.Baranidharan, learned Government Advocate appearing on behalf of the respondents.



10. The main ground that has been urged before this Court is that, the second respondent being the appellate authority has mechanically confirmed the decision taken by the third respondent without assigning any reasons and therefore the impugned order is liable to be interfered with for violation of principles of natural justice. It was submitted that though the petitioners have explained their defence and have given their version about the money that was available in their offices by giving various reasons, even without considering the same, the second respondent has proceeded to dismiss the appeal filed by the petitioners.

11. The second respondent is exercising the power of appeal as per the procedure contemplated under Rule 30 of the Central Motor Vehicle Rules 1989. When exercising this jurisdiction, the second respondent is expected to assign some reasons before allowing or rejecting the appeal. It is important that an appellate authority assigns reasons in the order since that is the only manner in which a Court can assess as to whether the concerned authority had applied his mind while considering the appeal. If no reasons are assigned in the order, it will become impossible for a Court to understand the subjective satisfaction in the mind of appellate authority and such unreasoned orders will be liable to be interfered on that ground alone.

12. It has been repeatedly held that, an authority exercising an appellate jurisdiction is bound to give reasons in his order and the order per se must reflect application of mind to the relevant materials. In the absence of the same, the order will get vitiated on that ground alone. In the present case, there are absolutely no reasons assigned by the second respondent while rejecting the appeal filed by the petitioners. This amounts to improper exercise of jurisdiction that was vested with the second respondent in his capacity as the appellate authority. The order must reflect the objective consideration on the part of the second respondent while rejecting the appeal filed by the petitioners and the same is totally absent in the present case.

13. In view of the above discussion, this Court, having no other alternative except to interfere with the impugned proceedings of the second respondent, is inclined to quash the impugned orders passed the second respondent and the same are hereby quashed. The matter is remanded back to the file of the second respondent and the second respondent is directed to give an opportunity to the petitioners and give a reasoned order in the appeal filed by the petitioners within a period of four weeks from the date of receipt of a copy of this order.



14. In the result, all these writ petitions are allowed with the above directions. No costs. Consequently, connected miscellaneous petitions are closed.

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Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

KST

To

1. The Additional Chief Secretary to Government,
State of Tamilnadu, Home Department
Secretariat, Fort St.George, Chennai - 600 009.
2. The Additional Chief Secretary / Transport
Commissioner, Transport Department
Ezhilagam, Chepauk, Chennai - 600 005.
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4. The Deputy Superintendent of Police
Vigilance and Anti-Corruption
Vengikal, Tiruvannamalai District.
5. District Inspection Cell Officer
Vellore Collectorate, Vellore-632 012.

+3CCs to M/s.P.Wilson Associates, Sr.Nos.44440, 44441, 44442
(30.09.2021)

+1CC to Government Pleader, Sr.No.44884, 44885, 44886

W.P.Nos.18135, 18146
and 18151 of 2021

PM (CO)
K.RK. (22.09.2021)