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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.10.2021

CORAM :

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Writ Petition No.23169 of 2021
and WMP Nos.24464 & 24468 of 2021

M.Neela,
Proprietor : Neela Driving School,
864, Kaiveli Nagar,
Thathanur, Sriperumbudur Taluk,
Kanchipuram District.

...Petitioner

-Vs-

1 The State of Tamil Nadu
rep by its Principal Secretary,
Home (Transport) Department,
Fort St. George,
Chennai-9.

2 The Commissioner of Transport
Chepauk, Chennai-5

3 The Regional Transport Officer
Sriperumbudur, Kanchipuram District.

...Respondents

Prayer : Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorari calling for the order of the 1st respondent dated 05.08.2010 in G.O.Ms. No.697 Home (Transport - 5) Department and consequential order of the 2nd respondent dated 17.6.2015 in R. No.22370/H1/ 2008 and quash the same, only in so far as it relates to the petitioner is concerned.

For Petitioner : Mr.K.Hariharan

For Respondent : Mr.U.Baranidharan, Government Advocate

O R D E R

On consent given by either side, the main writ petition itself has been taken up for final hearing.



2. This writ petition has been filed challenging the impugned order of the first respondent dated 05.08.2010 and the consequential order passed by the second respondent dated 17.06.2015.

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3. Learned counsel for the petitioner submitted that the issue involved in the present case is sufficiently covered by the earlier orders passed by this Court. Learned counsel brought to the notice of this Court the latest order passed by this Court in W.P.No.1462 of 2018 dated 24.01.2018. The relevant portion in the order is extracted hereunder.

" The petitioner is aggrieved by the order issued by the first respondent in G.O.Ms.No.697, Home (Transport-5) Department dated 05.08.2010 and consequential order of the second respondent dated 17.06.2015. The issue involved in this case pertains to conducting of the training programmes to the driving schools, which is restricted by the impugned Government Order only to the Government Institutions, not to the Private Institutions.

2. Both sides submitted that the said issue was considered by this Court in similar writ petition and an order was passed directing the petitioner therein to give a representation to the respondents and consequently directing the respondents to pass orders on such representation. One such order passed in WP.No.38850 of 2016 dated 08.11.2016 is placed before this Court. It is further seen from the said order that an order of status quo was also granted in favour of the petitioner therein, till the disposal of the representation, to be filed by the petitioner therein. Both sides agreed that the same order can be passed in this matter also.

3. Accordingly, this writ petition is disposed of, by granting liberty to the petitioner to give a representation to the respondents within a period of two weeks from the date of receipt of a copy of this order. On receipt of such representation, the respondents shall consider the same and pass orders within a period of four weeks thereafter. Till an order is passed in the said representation, the respondents shall maintain status quo as on today. No costs. Consequently, connected miscellaneous petitions are closed. "

3. Heard Mr.U.Baranidharan, learned Government Advocate appearing on behalf of the respondents.



4. A careful reading of the earlier order passed by this Court shows that this Court had directed the concerned petitioners to give a fresh representation and the respondents have been directed to consider the same and pass fresh orders. A similar direction can be given in the present writ petition also.

5. In view of the above, the petitioner is directed to give a fresh representation to the first and second respondent within a period of two weeks from the date of receipt of a copy of this order and on receipt of such representation, the respondents 1 and 2 shall consider the representation strictly in accordance with law and pass orders within four weeks thereafter. Till the final orders are passed on the representation to be given by the petitioners, the respondents are directed to maintain status quo as on date.

6. The writ petition is disposed of with the above directions. No costs. Consequently, connected miscellaneous petitions are closed.

-s/d-

Assistant Registrar(CS-II)

True Copy

Sub-Assistant Registrar

ssr

To

- 1 The Principal Secretary, Home (Transport) Department
Fort St. George, Chennai-9.
- 2 The Commissioner of Transport, Chepauk Chennai-5.
- 3 The Regional Transport Officer,
Sriperumbudur, Kanchipuram District.

+1cc to the Government Pleader, Sr.No.56206

W.P.No.23169 of 2021
and WMP Nos.24464 & 24468 of 2021

SSD(CO)
KKV/29/10/2021