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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 22.11.2021
CORAM:
THE HONOURABLE MR.JUSTICE M.SUNDAR
W.P.[MD]No.20780 of 2021

Dinesh Kumar : Petitioner

Vs.

The Regional Transport Officer,
Vadipatti Regional Transport Office,
Vadipatti, Madurai District. : Respondent

PRAYER: Writ Petitions filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to direct the respondent to issue badge licence to the petitioner in reference in Application No.3736068021, dated 27.10.2021, within time limit may be fixed by this Court.

For Petitioner : Mr.R.Mathava Selvam
For Respondent : Mr.Amjad Khan,
Government Advocate

O R D E R

Mr.R.Mathava Selvam, learned counsel for writ petitioner and Mr.T.Amjad Khan, learned Government Advocate on behalf of the sole respondent are before me.

2. Captioned writ petition is with a prayer for a simple mandamus to direct the respondent to issue badge licence to the petitioner qua his application No.3736068021 dated 27.10.2021.

3. The writ petitioner holds a valid driving licence for two wheeler and light motor vehicle is counsel's say. Writ petitioner has now made the aforementioned application for a badge licence after completing heavy motor vehicle training is learned counsel's further say.

4. Learned counsel for writ petitioner also points out that pendency of a first information report (FIR) is no bar for grant of badge and in support of his argument, learned counsel draws the attention of this Court to order dated 06.10.2020 made by a Hon'ble Single Judge of this Court which *inter-alia* turns on interpretation of Rule 8 of Tamil Nadu Motor Vehicles Rules, 1989 being Rules under the Motor Vehicles Act, 1988.

5. It may not be necessary to dilate further on this aspect of the matter owing to the submission made by learned State counsel. The submission is to the effect that the writ petitioner ought to have gone over to the office of the lone respondent after making the online application (with necessary documents) for further processing

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of the application and that the writ petitioner has not done that thus far.

6. Owing to the narrow compass on which the captioned main writ petition turns, with the consent of the learned counsel on both sides, captioned main writ petition is taken up.

7. Learned counsel for writ petitioner responding to the submission of the learned State counsel submits that the writ petitioner did go over to the office of the lone respondent, but he was turned away saying that an FIR is pending. I do not propose to enter upon the exercise of resolving this factual controversy more so this being writ jurisdiction.

8. A simple way out is to direct the writ petitioner to go over to the office of the respondent on a specified date (without expressing any opinion on aforementioned factual disputation) and further directing the lone respondent to process the aforementioned writ petitioner's application for badge licence dated 27.10.2021 on its own merits in accordance with law and take a decision expeditiously.

9. Before concluding, I deem it appropriate to record that learned State counsel points out that in the online application itself there is a clear mention that the writ petitioner has to go over the office of the lone respondent with necessary documents for further processing of the application for badge licence.

10. Captioned main writ petition is disposed of in the following manner:

(a) Writ petitioner shall go over to the office of the lone respondent on 24.11.2021, Wednesday at 03.00 P.M in the afternoon with all necessary documents;

(b) The respondent shall process the application of the writ petitioner being application No.3736068021 dated 27.10.2021 on its own merits in accordance with law and take a decision as expeditiously as his/her business would permit and in any event within fifteen days therefrom (24.11.2021) i.e., on or before 08.12.2021;

(c) The decision taken by the respondent shall be communicated to the writ petitioner under due acknowledgement within five working days from the date of decision.

11. To be noted, there is no disputation or disagreement before this Court that mere pendency of FIR is not a bar for issue of badge licence provided the writ petitioner satisfies all other required conditions.

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12. Captioned writ petition is disposed of with the above directions. There shall be no order as to costs.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

To

The Regional Transport Officer,
Vadipatti Regional Transport Office,
Vadipatti, Madurai District.

+1 CC to M/s.R. MATHAVA SELVAM, Advocate (SR-35561[F] dated 23/11/2021)

+1 CC to M/s.SPL GP (SR-35465[F] dated 23/11/2021)

W.P.[MD]No.20780 of 2021
22.11.2021

PS(CO)
KB(30.11.2021) 3P 4C

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