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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.06.2022

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THE HON'BLE MR.JUSTICE C.SARAVANAN

W.P.No.833 of 2019

and

WMP.No.928 of 2019

Lakshmi Heavy Vehicle Driving School,
Lakshmi Heavy Vehicle Driving School,
Rep.by its Proprietor,
K.Maharajan

... Petitioner

Vs.

1. The State of Tamil Nadu,
Rep by its Principal Secretary,
Home (Transport) Department,
Fort St.George,
Chennai-600 009.

2. The Commissioner of Road Transport,
"Ezhilagam", Chepauk,
Chennai-600 005.

3. The Licensing Authority Regional Transport Officer,
Ariyalur, Ariyalur District.

... Respondents

Prayer : Writ Petition filed under Article 226 of Constitution of India, for issuance of a Writ of Certiorari, calling for the records relating to the Order of the 1st Respondent dated 05.08.2010 in G.O.(MS) No.697, Home (Transport-5), Department, Chennai and the consequential order of the second respondent dated 17.06.2015 in R.No.22370/H1/2008 and quash the same only in so far as it relates to the petitioner and consequently direct the respondents to permit the petitioner to conduct the One Day Refresher Course for the Heavy Vehicle Drivers.

For Petitioner : Mr.K.Selvaraj

For Respondents : Mrs.C.Meera Arumugam
Additional Government Pleader



ORDER

This writ petition is filed for issuance of writ of certiorari to quash the order dated 05.08.2010 of the first respondent in G.O(Ms.) No.697, Home (Transport-5), Department, Chennai and the consequential order of the 2nd respondent dated 17.06.2015 in R.No.22370/H1/2008.

2. The case of the petitioner appears to be that the petitioner is running a driving school which was established in the year 1992 and from 09.01.2013, the petitioner has been given licence by the respondents to give training to the drivers of heavy vehicles. It is submitted that the first respondent has passed an impugned order in G.O(Ms.) No.697, Home (Transport-5), Department dated 05.08.2010 and thereby amended the previous order in GO(Ms) No.604 dated 26.05.2008, wherein it has been ordered that heavy vehicle driving Refresher Course conducted by the private driving schools would be herein after be conducted by the three road transport corporations in the State of Tamil Nadu with immediate effect

3. The learned counsel for the petitioner submits that this was challenged by the driving schools and orders came to be passed by this Court on 24.01.2018 in WP.No.1462 of 2018 and the said order was followed by this Court in WP.No.12674 of 2020 dated 14.09.2020. It is submitted that the said order has not been appealed and that the petitioner would be satisfied if the similar directions have given and interim protection is granted pending disposal of the petitioner's representation. The relevant portion of the order dated 14.9.2020 reads as under :

4. A careful reading of the earlier order passed by this Court shows that this Court has 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 writ petition also.

5. In view of the above, the petitioner is directed to give a fresh representation to the first and second respondents within a period of two weeks from the date of receipt of a copy of this Order and on receipt of such 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."



4. The learned counsel for the respondents confirmed that no appeal has been filed against the said order, which has followed the order of Division Bench in WP.No.19157 of 2010 dated 27.06.2011.

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5. Considering the above, I direct the petitioner to give fresh representation to the third respondent within a period of two weeks from the date of receipt of a copy of this order. The aforesaid representation shall be disposed of strictly in accordance with law by the third respondent after duly considering the previous orders of this Court within a period of four weeks thereafter. Till the final orders are passed on the representation of the petitioner, the respondents are directed to maintain status quo .

6. With the above directions, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar (CS-V)

//True Copy//

Sub Assistant Registrar

Vv

To

1. The Principal Secretary,
Home (Transport) Department,
Fort St.George,
Chennai-600 009.
2. The Commissioner of Road Transport,
"Ezhilagam", Chepauk,
Chennai-600 005.
3. The Licensing Authority Regional Transport Officer,
Ariyalur, Ariyalur District.

+1cc to Mr.K.Selvaraj, Advocate, S.R.No.32232

+1cc to the Government Pleader, S.R.No.33107

W.P.No.833 of 2019
and WMP.No.928 of 2019

GP (CO)
UMA (20/06/2022)