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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.04.2022

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

W.P.No.10689 of 2022

Vembusamy Driving School,
Rep. By its Proprietor: R.Nagarajan,
No.4/984, Perumalmalai Adivaram,
Thoraiyur,
Trichy District.

.. 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,
Sri Rangam,
Trichy District.

.. Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, directing the respondents to permit the petitioner to conduct the One Day Refresher Course for the Heavy Vehicle Drivers based on the representation of the petitioner dated 05.11.2021.

For Petitioner : Mr.K.Selvaraj

For RR1 & 2 : Mr.U.Baranidharan
(Additional Government Pleader)



O R D E R

This Writ Petition is filed by the petitioner for a direction to the respondents 1 and 2 to consider his representation dated 05.11.2021 and thereby, permit him to conduct One Day Refresher Course for Heavy Vehicle Drivers.

2.By consent of the learned counsel appearing for the petitioner as well as the learned Additional Government Pleader who takes notice for the respondents 1 and 2, the Writ Petition is taken up for final disposal at the admission stage itself.

3.Heard the learned counsel appearing for the petitioner as well as the learned Additional Government Pleader appearing for the respondents 1 and 2 and perused the entire materials available on record.

4(i).According to the petitioner, he is Proprietor of the Vembusamy Driving School, which was established in the year 2018 for giving training to the Heavy Vehicle Drivers, after obtaining license from the respondents. The Government of Tamil Nadu, by G.O.Ms.No.604, Home (Transport - 5) dated 26.05.2008, granted permission to the recognized Private Heavy Vehicle Driving Schools to conduct One Day Refresher Course and issue certificates to the Heavy Vehicle drivers for renewing their licenses as well as for making endorsements in their licences. While so, the 1st respondent, by G.O.697 Home (Transport-5) Department dated 05.08.2010, amended G.O.Ms.No.604 dated 26.05.2008 to the immediate effect that the Heavy Vehicle Driving Refresher Course conducted by the Private Driving Schools would be hereafter conducted by the Road Transport Corporations in the State of Tamil Nadu. In W.P.No.19157 of 2010 etc. batch, the Driving Schools challenged the order of the 1st respondent dated 05.08.2010. On an undertaking given by the counsel for the respondents therein that they will consider the representation of the petitioners and would not implement the said impugned order till appropriate orders are passed on the representation by common order dated 27.06.2011, this Court disposed of the Writ Petitions, directing the petitioners to submit their representation within two weeks and the 1st respondent therein to pass orders on the same. No orders have been passed in the said representation till date. While so, the 2nd respondent, by proceedings dated 17.06.2015, ordered all the Zonal Officers and Licensing Authorities in Tamil Nadu to implement G.O.Ms.No.697, Home (Transport - 5) dated 05.08.2010, since no representations were received by them within the stipulated time granted by this Court in W.P.No.19157 of 2010 and etc., batch.



4(ii).Against the order of the 1st respondent dated 05.08.2010 and order of the 2nd respondent dated 17.06.2015, a batch of Writ Petitions were filed in W.P.No.19362 of 2015 and this Court, ordered status-quo on 03.07.2015. Subsequently, this Court clubbed together the similar Writ Petitions filed by all the Driving Schools throughout the State of Tamil Nadu and disposed of the same, directing the respondents to consider the representations of the petitioners therein and extended status-quo already granted, till disposal of the representations to be filed by the petitioners therein.

4(iii).The petitioner is running another Driving School in the name and style of Samy Driving School at Musiri, as a Proprietor, which School has also obtained similar order in W.P.No.20211 of 2015. The petitioner's sister concern, namely Samy Driving School is conducting the said One Day Refresher Course to the Heavy Vehicle Drivers both at Musiri and also at Thuraiyur Branch. In an another Writ Petition No.23106 of 2017 filed by a Driving School namely Suresh Heavy Vehicle Driving School, challenging the said G.O.Ms.No.697, Home (Transport - 5), dated 05.08.2010, this Court has held that the similarly placed private driving schools were granted permission to run the training course and merely because the petitioner was not a party to the earlier Writ Petitions filed by other Driving Schools, the benefit granted to them cannot be denied to the petitioner. In order to conduct the similar One Day Refresher Course, the petitioner sent representation dated 05.11.2021 to the 3rd respondent, seeking permission. Since, no order has been passed, the petitioner has come out with the present Writ Petition. The learned counsel appearing for the petitioner submitted that a direction may be issued to consider the representation of the petitioner.

5.The learned Additional Government Pleader appearing for the respondents 1 and 2 submitted that the representation of the petitioner will be considered and necessary orders will be passed within the time frame fixed by this Court.

6.Considering the nature of relief sought for in the Writ Petition, and submission of learned counsel appearing for the petitioner as well as the learned Additional Government Pleader appearing for the respondents 1 and 2, without deciding the issue on merits, the respondents are directed to consider the representation of the petitioner dated 05.11.2021 and pass orders on merits and in accordance with law, after giving opportunity of hearing to the petitioner, within a period of eight (8) weeks from the date of receipt of a copy of this order.



With the above direction, the Writ Petition is disposed of.
No costs.

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Sd/-
Assistant Registrar (CS-II)

//True copy//

Sub Assistant Registrar

gsa

To

1. The Principal Secretary,
The State of Tamil Nadu,
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,
Sri Rangam,
Trichy District.

+1cc to Mr.K.Selvaraj, Advocate SR.No.29612

+1cc to Government Pleader SR.No.29378

W.P.No.10689 of 2022

MG(CO)
GMY(25/05/2022)