



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.06.2022

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THE HON'BLE MR.JUSTICE C.SARAVANAN

W.P.NO.30141 OF 2014

AND

M.P.NO.1 OF 2014

Tvl.Shanmuga Driving School,
Represented by its License Holder,
Tmt.S.Jothimani
W/o G.Sudhakar
10/130, Vallipuram (Po),
Namakkal (Taluk & District).

... Petitioner

Vs.

1. The Secretary to the Government of Tamil Nadu,
Department of Transport,
Fort St.George,
Chennai - 600 009.
2. The Commissioner,
Transport Department, Ezhilagam,
Chennai.
3. Regional Transport Officer/Licensing Authority,
Regional Transport Office,
Namakkal (North),
Namakkal District.

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, for issuance of a Writ of Certiorari, to call for the records pertaining to the issuance of the impugned order dated 24.10.2014 having reference R.No.35179/B3/2014 issued by the 3rd respondent and quash the same.

For Petitioner : Mr.C.Prabakaran for
Mr.E.P.Senniyangiri

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



ORDER

The petitioner has challenged the impugned order passed by the 3rd respondent revoking the license given to the petitioner with effect from 24.10.2014 under Rule 28 of the Central Motor Vehicle Rules, 1989. The impugned order itself stipulates to challenge the same can be made before the head of the Motor Vehicles Department under Rule 29 of the Central Motor Vehicle Rules, 1989. However, instead of filing an appeal before the Head of Motor Vehicles Department under Rule 29 of the Central Motor Vehicles Rules, 1989, the petitioner has filed this writ petition.

2.The impugned order precedes notice dated 08.10.2014 wherein certain irregularities wherein it was stated that the operation were being carried out by the petitioner in connivance with the staff/programmer working at the Regional Transport Office, Namakkal (North). The petitioner had replied to the same which has now culminated in the impugned order.

3.In the counter filed by the 3rd respondent, it has been stated that the proprietor of the petitioner's driving school/husband G.Sudhakar has admitted to have violated the rules and has given in the written statement before the Licensing Authority and therefore the impugned order has been passed after complying with all the formalities under the provisions of the Central Motor Vehicle Rules, 1989.

4.Considering the above, I am inclined to dispose this writ petition by giving liberty to the petitioner to file an appeal before the Head of Motor Vehicles Department in terms of Rule 29 of the Central Motor Vehicle Rules, 1989 within a period of 30 days from the date of receipt of a copy of this order. In case, the petitioner files such an appeal, the Authority is directed to entertain and dispose of the appeal on merits and in accordance with law.

5.Accordingly, this writ petition stands disposed of with the above observations. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS-IX)

//True Copy//

Sub Assistant Registrar

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To

1. The Secretary to the Government of Tamil Nadu,
Department of Transport,
Fort St.George,
Chennai - 600 009.

2. The Commissioner,
Transport Department, Ezhilagam,
Chennai.

3. The Regional Transport Officer/Licensing Authority,
Regional Transport Office,
Namakkal (North),
Namakkal District.

+1cc to Mr.C.Prabakaran, Advocate, S.R.No.35014

+1cc to the Government Pleader, S.R.No.35524

W.P.No.30141 of 2014
and
M.P.No.1 of 2014

RLD(CO)
RLP(04/07/2022)