



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **20.04.2022**

CORAM:

THE HONOURABLE MR.JUSTICE **C.SARAVANAN**

W.P. (MD) No.5998 of 2022

and

W.M.P. (MD) No.4679 of 2022

WEB COPY

R.Ponmani

... Petitioner

/vs./

1.State of Tamil Nadu,
represented by the Principal Secretary,
Home (Transport) Department,
Fort St.George,
State Secretariat,
Chennai 600 009.

2.The Commissioner of Transport,
Commissionerate of Transport and Road Safety,
Ezhilagam,
Chepauk, Chennai 600 005.

3.The Regional Transport Officer,
Office of the Regional Transport Officer,
Srirangam Region,
Thiruvanaikoil,
Tiruchirappalli 620 006.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the orders connected to the G.O. (Ms) No.697 dated 05.08.2010 issued by the Respondent No.1 Department and quash the same only in so far as it related to the petitioner's driving school, consequently direct the respondents to permit the petitioner's driving school to conduct the One Day Refresher Course for the Heavy Vehicle Drivers (HVD) on the basis of petitioner's representation dated 21.03.2022 in accordance with law within the time stipulated by this Court.

For Petitioner : Mr.R.Mani Bharathi

For Respondents : Mr.K.S.Selva Ganesan
Additional Government Pleader

ORDER

This writ petition has been filed for a Certiorarified Mandamus to quash G.O.(Ms)No.697, dated 05.08.2010 issued by the 1st respondent, in so far as it relates to the petitioner's driving school and consequently to direct the respondents to permit the



petitioner's driving school to conduct the One Day Refresher Course for the Heavy Vehicle Drivers (HVD) on the basis of the petitioner's representation dated 21.03.2022.

2.The writ petition is opposed by the learned Additional Government Pleader stating that the issue has already been considered by this Court in its common order dated 15.09.2015 passed in W.P.Nos.19362 of 2015 etc., batch **(Jayalaskhme Heave Driving School and others Vs. Sree Kumar Driving School and another)** and was disposed of in terms of the following observations:-

"9.Admittedly, this Court passed an order in W.P.No.19157 of 2010 on 27.06.2011, directing the petitioners to submit a representation. The petitioners claim that their Association submitted the representation dated 11.07.2011, which is denied by the respondents. Had it not been true, the respondents should not have allowed the petitioners to conduct the course as on date. In view of the above, these writ petitions are disposed of with a direction to the petitioners to file their representations to the respondents, within a period of two weeks from the date of receipt of a copy of this order and on such representations being submitted by the petitioners herein, the same shall be considered and necessary orders be passed by the respondents, within a further period of four weeks.

10.At this juncture, the learned counsel for the petitioners submitted that the order of status quo granted by this Court may be extended till the disposal of their representations to be given by the petitioners."

3.The petitioner claims to have established a driving school in the year 2000 and possesses a licence No.02/SRM/2000. The petitioner had sent a representation dated 21.03.2022 to the respondents to permit the petitioner to carry out One Day Refresher Course for the Heavy Vehicle Drivers (HVD). Though the representation has been sent on 21.03.2022, the petitioner has rushed immediately to this Court on 30.03.2022 without giving any time for the respondents to respond to the aforesaid representation.

4.*Prima facie* the writ petition is premature. The petitioner should have waited for some time before the representation is disposed of. It is also open for the petitioner to send remainders, if the representation is not considered. Be that as it may, I am inclined to dispose of this writ petition by directing the respondents 1 and 2 to consider the representation dated 21.03.2022 of the petitioner and pass appropriate orders on merits and in accordance with law keeping in view of the common order passed by this Court in W.P.Nos.19362 of 2015 etc., batch **(Jayalaskhme Heave Driving School and others Vs. Sree Kumar Driving School and another)**, dated 15.09.2015. This exercise shall be carried out by the respondents 1 and 2 within a period of 4 weeks from the date of receipt of a copy of this order.



5.The writ petition stands disposed of, in terms of the above observation. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (RTI)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

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To

1.The Principal Secretary,
Home (Transport) Department,
Fort St.George,
State Secretariat,
Chennai 600 009.

2.The Commissioner of Transport,
Commissionerate of Transport and Road Safety,
Ezhilagam,
Chepauk, Chennai 600 005.

3.The Regional Transport Officer,
Office of the Regional Transport Officer,
Srirangam Region,
Thiruvanaikoil,
Tiruchirappalli 620 006.

+1 CC to M/s.SAMSON. A, Advocate (SR-20277[F] dated 21/04/2022)

+1 CC to M/s.SPL.GP (SR-20074[F] dated 21/04/2022)

W.P. (MD) No.5998 of 2022
20.04.2022

MGJ(02.05.2022) 3P 6C