

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.09.2022

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THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

W.P(MD).No.20467 of 2022

S.Kulanthairaj

... Petitioner

Vs.

The Regional Transport Officer,
Sankarankovil Regional Transport Office,
Sankarankovil,
Tenkasi District.

...Respondent

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned order passed by the respondent vide office proceedings in A.T.MU.No.09499/e4/2022, dated 31.05.2022 and consequently, direct the respondent to issue badge license to the petitioner in reference in Application No.1377038222, dated 04.04.2022, within time limit may be fixed by this Court.

For Petitioner : Mr.R,Mathava Selvam
For Respondent : Mr.P.Subbaraj
Special Government Pleader

ORDER

The petitioner filed this writ petition for a writ of Certiorarified Mandamus to quash the impugned order in A.T.MU.No.09499/e4/2022, dated 31.05.2022 and direct the respondent to issue badge license to the petitioner in reference in Application No.1377038222, dated 04.04.2022.

2. The contention of the petitioner is that the petitioner is a sole bread winner of his family and he was doing small works for his livelihood for making better earnings and to support his family. He applied for a driving licence in D.L.No.TN76Z0090003073 for the four wheeler and also now completed heavy motor vehicle training. In such situation, the petitioner made an application to obtain the badge licence for better earnings and livelihood. He made an application through online on 04.04.2022 in Reference No.1377038222 and the same was pending without consideration. Thereafter, the petitioner made a representation on 19.05.2022. Once again, the petitioner made a representation on 23.05.2022 in person. Thereafter, the petitioner was issued with the impugned communication rejecting the application for badge licence for the reason that criminal case is pending against the petitioner and further citing the Circular No.43/2000, dated 23.03.2000 under Rule 8 of Tamil Nadu Motor Vehicle Rule. The petitioner states that the false case was made earlier. There were three such cases, which were disposed of and now

case in Crime No.283 of 2013 pending against the petitioner. This is also a false complaint against the petitioner. Citing this case, denying the petitioner's representation for badge licence arbitrarily denying the petitioner's fundamental right. Hence, filed this writ petition.

3. The petitioner relied on the order of this Court in W.P(MD)No.13754 of 2020, dated 06.10.2020, wherein, this Court quashed the petitions of the transport authorities and directed them to consider the application of the petitioner within a period of stipulated time. The similar relief can be passed to the petitioner.

4. The learned Special Government Pleader for the respondent produced the Circular No.43 of 2000 of the Transport Commissioner, wherein, the directions have been issued to the licencing authorities to refer the matter to the concerned Inspector of Police and giving 15 days time to obtain the report whether the applicant is disqualified or liable to be disqualified or holding driving licence. Thereafter, in this case, the petitioner is an accused in Crime No.283 of 2013 before the Seranthamaram Police Station. In view of the same, the petitioner was denied badge licence and the respondent has passed the impugned order.

5. Considering the submission and on perusal of the materials, it is seen that only FIR was pending from the year 2013. The FIR is yet to culminate into a final report and thereafter, trial to commence. It would take years, for that reason, the petitioner cannot be denied for issuance of badge licence. Further, by registering the FIR, the petitioner cannot be termed as convict. In this case, no conviction and sufferings against the petitioner.

6. In view of the same, by citing Circular No.43/2000, denying the petitioner's representation is not proper. Hence, the impugned order is hereby quashed. The second respondent is directed to consider the petitioner's application and to grant badge licence, if he is otherwise eligible within a period of thirty days from the date of receipt of copy of this order.

7. With the above direction, the writ petition stands disposed of. No costs.

01.09.2022

Index : Yes / No
Internet : Yes/ No
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To

The Regional Transport Officer,
Sankarankovil Regional Transport Office,
Sankarankovil,
Tenkasi District.

M.NIRMAL KUMAR, J.

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