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W.P(MD).No.26465 of 202



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.11.2022

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THE HONOURABLE MR.JUSTICE MOHAMMED SHAFFIQ

W.P(MD).No.26465 of 2022

M.Tamilarasan

... Petitioner

Vs.

The Regional Transport Officer,
Madurai South Regional Transport Office,
Madurai South,
Madurai District.

...Respondents

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 Na.Ka.No.21491/B3/2022, dated 13.06.2022 and consequently direct the Respondent to issue badge licence to the Petitioner in Reference in Application No.1780718022, dated 04.05.2022, within time limit may be fixed by this Court.

For Petitioner : Mr.B.Mathava Selvam
For Respondent : Mr.M.Prakash
Additional Government Pleader

ORDER

This writ petition is filed challenging the order, dated 13.06.2022, wherein, request for issuance of badge licence was rejected and to



consequently, direct the Respondent to issue badge licence to the Petitioner in Reference in Application No.1780718022, dated 04.05.2022.

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2. This is the second round of litigation. Earlier, writ petition in W.P.(MD)No.4925 of 2022 was filed for a writ of Mandamus to direct the Respondent to issue badge licence to the Petitioner in Reference in Application No.2535722419, dated 21.08.2019, wherein, this Court was pleased to issue the following direction:

“4. I am inclined to dispose the writ petition by directing the petitioner to furnish the same once again within a period of fifteen (15) days from the date of receipt of a copy of this order. In case the petitioner furnish as such details to the respondent, the respondent shall consider and pass appropriate orders on the application filed by the petitioner on 21.08.2019 within a period of thirty (30) days thereafter.”

3. The impugned order has been passed pursuant to the above direction of this Court and it was held that the Petitioner's request for issuance of badge licence cannot be acceded to in view of the fact that there is an FIR for Attempt to Murder against the Petitioner and in view of the Circular No. 43/2000, the request of the Petitioner was rejected.

4. It is submitted by both the learned counsel for the Petitioner and the learned Additional Government pleader for the Respondents in unison that the



question as to whether the pendency of criminal case would have a bearing on applicant's right to obtain the licence/badge licence stands resolved by this Court in W.P(MD)No.13754 of 2020. Relevant portion of the order reads as under:

“7. As seen from Rule 8 of the aforesaid Rules, only persons who are disqualified or liable to be disqualified cannot be issued with a driving license. In the case on hand, a criminal case has been registered against the petitioner; not involving the vehicle and further the petitioner has not been convicted of the alleged offences. Admittedly, the petitioner is in possession of a valid LMV driving license and the same has also not been cancelled by the respondent. The Motor Vehicles Act and its Rules does not bar an applicant from obtaining a driving license, if any criminal case is pending against the said applicant. In the case on hand also, only the First Information Report has been registered against the petitioner and the petitioner is not a convict. The petitioner has submitted an application for obtaining badge license on 08.02.2020. Admittedly, no final orders have been passed by the respondent, with regard to the said application and the impugned order dated 25.02.2020, is only an order, intimating the petitioner that he is not entitled to get a badge endorsement in his driving license. But, it does not refer to the application dated 08.02.2020, submitted by the petitioner, seeking for badge endorsement in his driving license. The application, dated 08.02.2020 submitted by the petitioner for badge driving license, will have to be considered by the respondent on merits and in accordance with the statutory provisions provided for under the Motor Vehicles Act, 1988 and the corresponding rules. Instead of considering the application dated 08.02.2020 submitting by the petitioner, the respondent without any basis has intimated the petitioner that he is not entitled for badge endorsement in his driving license.

8. For the foregoing reasons, the impugned proceedings dated 25.02.2020, passed by the respondent, is hereby quashed and the respondent is directed to consider the application dated 08.02.2020, submitted by the petitioner, for badge endorsement



in his driving license on merits and in accordance with law and in case, if the same is rejected by the respondent, they shall give sufficient reasons for the same in the final order, to be passed by them. The respondent shall pass final orders within a period of eight weeks from the date of receipt of a copy of this order.”

5. In view of the same, the impugned order, dated 13.06.2022 is set aside. The respondent is directed to consider the application dated 04.05.2022, submitted by the petitioner for badge licence on merits and in accordance with law and in case, if the same is rejected by the respondent, they shall give sufficient reasons for the same in the final order, to be passed by them. The respondent shall pass final orders within a period of eight weeks from the date of receipt of a copy of this order.

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

24.11.2022

Index : Yes / No
Internet : Yes/ No
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To
The Regional Transport Officer,
Madurai South Regional Transport Office,
Madurai South,
Madurai District.



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MOHAMMED SHAFFIQ, J.

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