



WEB COPY



W.P. No. 29412 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.11.2023

CORAM

THE HON'BLE MR. JUSTICE P.D. AUDIKESAVALU

W.P. No. 29412 of 2023

S.Tamilarasan

... Petitioner

-VS-

1. The Commissioner,
Transport Department,
Ezhilagam,
Chennai – 600 005.

2. The Joint Commissioner,
Transport Department,
Koiambatore Range,
Balasundram Pillai Road,
Coimbatore – 641 018.

3. The Regional Transport Officer (R.T.O.),
Kovai North Range,
No. 337, Vellakinar Road,
Thudiyalore Post,
Coimbatore – 641 034.

... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Mandamus, directing the First to Third Respondents to consider the Petitioner's representation dated 12.09.2023, consequently direct the Third Respondent to issue the driving school license on the Petitioner's application dated 07.02.2022 with compensation of Rs. 27,50,000/- to the Petitioner.



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For Petitioner : Mr. T.V.G.Kartheeban

For Respondents : Mr. U.Baranidharan,
Additional Government Pleader

ORDER

Heard Mr. T.V.G.Kartheeban, Learned Counsel for the Petitioner and Mr. U.Baranidharan, Learned Additional Government Pleader appearing for the Respondents and perused the materials placed on record, apart from the pleadings of the parties.

2. The Writ Petition has been filed for directing the First to Third Respondents to consider the representation dated 12.09.2023 made by the Petitioner and to consequently direct the Third Respondent to issue the driving school license to him based on his application dated 07.02.2022 with compensation of Rs. 27,50,000/- to him.

3. This Court during the earlier hearing on 12.10.2023 had passed the following order:-



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“2. *Learned Counsel for the Petitioner submits that the Petitioner has given up the claim for compensation in this Writ Petition and the same is recorded. However, the Petitioner is not precluded from claiming the same, if necessity arises later, in appropriate legal proceedings.*

3. *The Third Respondent shall inspect the premises of the Petitioner and verify as to whether all the requirements in the relevant statutory provisions have been complied and if there are any shortcomings, the same shall be informed to the Petitioner in writing requiring the same to be rectified and if the same has not been carried out even thereafter, report shall be filed in that regard on the next hearing.”*

4. In response, Learned Additional Government Pleader, on instructions, states that Memo in R. No. 8093/B2/2022 dated 27.10.2023 was sent by the Third Respondent to the Petitioner through Registered Post with Acknowledgment Due requiring him to keep the premises and infrastructure in compliance with Circular No. 62/2011 issued by the First Respondent and the Motor Vehicles Inspector of the Office of the Third Respondent was deputed to



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serve the said memo to the Petitioner in person. The Motor Vehicles Inspector in his report dated 27.10.2023 has stated that on 27.10.2023 afternoon, when he went to serve the memo to the address of the Petitioner, the Driving School was closed and hence, memo has been affixed on the door of the Driving School. Though the Petitioner acknowledged the Registered Post on 28.10.2023, he has not replied till date. At 11.00 a.m. on 30.10.2023, the Third Respondent has also visited the premises of the Petitioner to ascertain whether the Driving School is in compliance with Circular No. 62/2022 issued by the First Respondent, but the Driving School was not opened upto 12.15 p.m. and the Petitioner was not picking the phone to inform the Court proceedings. In spite of various efforts taken by the Office of the Third Respondent, the Petitioner was not responding or he has not submitted any reply or complied with Circular No. 62/2022 issued by the First Respondent.

5. In such circumstances, Learned Counsel for the Petitioner seeks permission of the Court to withdraw the Writ Petition and he has made an endorsement to that effect in the court record.



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In view of the same, the Writ Petition is dismissed as withdrawn. No

costs.

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Index: Yes/No

NCC: Yes/No

vjt

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P.D. AUDIKESAVALU, J.

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