



W.P.(MD).No.17205 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 20.07.2023

CORAM

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P.(MD).No.17205 of 2023

M.Mayakkannan

... Petitioner

Vs.

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

... Respondent

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondent to issue badge license to the petitioner in Reference in Application No.560608823 dated 13.02.2023, within time limit may be fixed by this Court.

For Petitioner : Mr.R.Mathava Selvam

For Respondent : Mr.R.Suresh Kumar,
Additional Government Pleader.



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ORDER

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This Writ Petition is filed for Mandamus, directing the respondent to issue badge license to the petitioner in Reference in Application No.560608823 dated 13.02.2023 within a stipulated time.

2. The petitioner submitted an online application for obtaining Badge License. Since the respondent has not considered the application, the petitioner approached the respondent in person. However, it was intimated that since FIR was registered against the petitioner, the badge license will not be issued.

3. The Learned Additional Government Pleader submitted that as per Rule 8 of Tamil Nadu Motor Vehicles Rules, 1989 and Circular No.43/2000, dated 23.03.2020 of the Transport Commissioner, the petitioner is not entitled to. As per the said Rule, on receipt of an application for issuance of a driving license, the authority may make such enquiries, as may be reasonably necessary to establish the identity of the applicant and to ascertain that the applicant is not disqualified or liable to be disqualified for holding a driving license. In the present case, the respondent made enquiries and found that FIR has been registered against the petitioner in respect of the alleged criminal offences and hence the respondents has not issued the badge license.



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4. On perusal of the Rule 8, it states that only persons who are disqualified or liable to be disqualified cannot be issued with a driving license. 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 present case, only FIR has been registered against the petitioner and the petitioner is not a convict. The petitioner has submitted an online application for obtaining badge license, but the respondents orally intimated that the petitioner is not entitled to the license, since FIR is pending against him. The respondents without any basis has intimated the petitioner that he is not entitled for badge license.

5. Therefore, this Court is of the considered opinion that there is no bar for issuing Badge License even though FIR is pending against the petitioner. The petitioner is directed to approach the respondent along with the online application within a period of one (1) week from the date of receipt of a copy of this order and the respondent shall consider the same and pass order within a period of two (2) weeks therefrom.



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WEB COPY 6. In view of the above, this Writ Petition is disposed of. There shall be no order as to costs.

20.07.2023

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
Nsr

To
The Regional Transport Officer,
Vadipatti Regional Transport Office,
Vadipatti,
Madurai District.



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S.SRIMATHY, J.

Nsr

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