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**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED: 21.08.2023

CORAM

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P.(MD)No.20281 of 2023

M.Tamilarasan

... Petitioner

vs.

1.The Joint Commissioner,  
Joint Commissioner Office,  
Madurai Zone, Madurai District.

2.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 for issuance of Writ of Certiorarified Mandamus, to call for the records relating to the impugned order passed by the 1<sup>st</sup> respondent vide office proceedings in So/Mu/Order.No.219/A4/2023 dated 04.07.2023 and quash the same as illegal and consequently direct the respondent to issue badge license to the petitioner in Reference in Application No.1780718022 dated 04.05.2022, within time limit may be fixed by this Court.



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For Petitioner : Mr.R.Mathava Selvam  
For Respondents : Mr.R.Suresh Kumar  
Additional Government Pleader

### **ORDER**

This Writ Petition is filed for Writ of Mandamus, directing the respondent to issue badge license to the petitioner in Reference in Application No.1780718022, dated 04.05.2022.

2. Heard Mr.R.Mathava Selvam, the Learned counsel appearing for the Petitioner and Mr.R.Suresh Kumar, the Learned Additional Government Pleader appearing for the respondents.

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



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4. 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 First Information Report has been registered against the petitioner in respect of the alleged criminal offences and hence the respondents has not issued the badge license.

5. 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



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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.

6. Therefore, this Court is of the considered opinion that there is no bar for issuing Badge License even though First Information Report is pending against the petitioner. The petitioner is directed to approach the respondentd 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 respondentd shall consider the same and pass order within a period of two (2) weeks therefrom.

7. In view of the above directions, this Writ Petition is allowed.

There shall be no order as to costs.

Index : Yes / No  
Internet : Yes  
NCC : Yes / No  
Sml/Ksa

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To

- 1.The Joint Commissioner,  
Joint Commissioner Office,  
Madurai Zone, Madurai District.
- 2.The Regional Transport Officer,  
Madurai South Regional Transport Office,  
Madurai South,  
Madurai District.



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**S.SRIMATHY, J**

Sml/Ksa

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