



WP(MD)No.21482 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **09.09.2024**

CORAM

THE HONOURABLE **MR.JUSTICE MOHAMMED SHAFFIQ**

W.P.(MD)No.21482 of 2024

Santhanam

... Petitioner

/Vs./

1.The Regional Transport Officer,
Dindigul.

2.The Motor Vehicle Inspector,
Vedasandur,
Dindigul District.

... Respondents

PRAYER:- Petition - filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus calling for the records pertaining to the impugned order passed by the 1st respondent in his proceedings in Proce.No. 2814/A1/2024 dated 26.07.2024 and quash the same as illegal, consequently directing the respondents to issue his a Badge License by considering the petitioner's application No. 4663686439 dated 13.02.2024.

For Petitioner : Mr.T.Leninkumar

For Respondents : Mr.J.K.Jayaseelan

Government Advocate



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ORDER

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This writ petition has been filed challenging the impugned order dated 26.07.2024, whereby the petitioner's application for issuance of badge licence was rejected on the premise that five cases were lodged against the petitioner and as on date, two cases are pending against him.

2. Heard Mr.T.Leninkumar, learned counsel appearing for the petitioner and Mr.J.K.Jayaseelan, learned Government Advocate appearing for the respondents.

3. By consent of both parties, this writ petition is taken up at the stage of admission itself.

4. The impugned order proceeds on the premise that the petitioner was involved in five criminal cases, out of which, two cases are pending and also looking into the antecedents of the petitioner and on going through the police verification report.

5. It is submitted by the learned counsel appearing for the petitioner, by placing reliance upon the order of this Court dated 13.02.2024 in WP(MD)No.



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20780 of 2021, that mere pendency of the FIR would not disqualify the petitioner for issuing badge licence, wherein it was held as under:-

“10. Captioned main writ petition is disposed of in the following manner:

(a) Writ petitioner shall go over to the office of the lone respondent on 24.11.2021, Wednesday at 03.00 P.M in the afternoon with all necessary documents;

(b) The respondent shall process the application of the writ petitioner being application No.3736068021 dated 27.10.2021 on its own merits in accordance with law and take a decision as expeditiously as his/her business would permit and in any event within fifteen days therefrom (24.11.2021) i.e., on or before 08.12.2021;

(c) The decision taken by the respondent shall be communicated to the writ petitioner under due acknowledgement within five working days from the date of decision.

11. To be noted, there is no disputation or disagreement before this Court that mere pendency of FIR is not a bar for issue of badge licence provided the writ petitioner satisfies all other required conditions.”

6. In view thereof, the impugned order dated 26.07.2024 is set aside.

The respondents shall now issue notice to the petitioner and thereafter pass



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orders afresh keeping in view of the above order of this Court dated 13.02.2024 in WP(MD)No.20780 of 2021, within a period of three weeks from the date of receipt of a copy of this order. This writ petition is disposed of accordingly. No costs.

09.09.2024

NCC :Yes/No
Index :Yes/No
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To:

- 1.The Regional Transport Officer,
Dindigul.
- 2.The Motor Vehicle Inspector,
Vedasandur,
Dindigul District.



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MOHAMMED SHAFFIQ, J.

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Order made in
W.P.(MD)No.21482 of 2024

Dated:
09.09.2024