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W.P.No.26215 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.08.2025

CORAM :

THE HONOURABLE MR. MANINDRA MOHAN SHRIVASTAVA,
CHIEF JUSTICE

AND

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

W.P.No.26215 of 2021

and W.M.P.Nos.27670 of 2021 and 24090 of 2025

The Tamil Nadu Driving School Owners
Federation
(Regd. No.559/2006), rep by its President,
No.6, Velayudha Street,
Nungambakkam, Chennai-34.

Petitioner

Vs

- 1.The Special Commissioner-cum-
Transport Commissioner,
Ezhilagam, Chepauk, Chennai- 5.
- 2.The Union of India,
rep. by its Secretary,
Ministry of Road Transport and Highways,
Transport Bhavan,
1, Sansad Marg,
New Delhi.110 001.

Respondents

[Respondent No.2 impleaded as per the order
dated 11.10.2023 in W.P.No.26215/2021 made in
Memo USR 34410 dt. 30.10.2023)



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PRAYER: Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of certiorari calling for the records of the respondent, made in the Letter R.No.5101/H1/07, dated 11.11.2011 (Circular No.62/ 2011) and quash the same so far as it relates to the Clause 8.1.1 contained in the letter R.No.51018/H1/07, dated 11.11.2011 (Circular No.62/ 2011) of the respondent.

For Petitioner: Mr.M.Palani

For Respondents: Mr.P.Muthukumar
Additional Advocate General
assisted by
Mr.K.Karthik Jagannath
Government Advocate
for respondent No.1

ORDER

(Order of the Court was made by the Hon'ble Chief Justice)

Heard learned counsel for the parties.

2. The questions that arise for consideration in this petition filed at the instance of petitioner association are: (i) whether the State officials, by way of Circular, could prescribe age limit of the vehicle to be used for the purposes of imparting training in driving schools?; and (ii) whether conditions imposed in the driving licence at the stage of

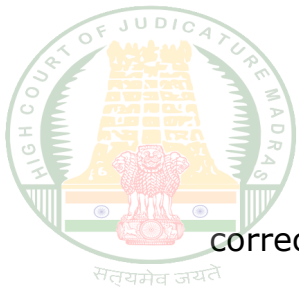


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renewal would incorporate any such condition which does not find place in the rules framed by the Central Government and the State Government in exercise of their rule making power.

3. In our view, the issue raised by the petitioner was earlier raised by them before a Division Bench of this Court in the case of ***South India Driving Schools Owners Federation v. The State of Tamil Nadu, rep. by its Secretary, Home (Transport) Department and another***, reported in ***2010 SCC OnLine Mad 4076*** and the Division Bench of this Court clearly held that such a power is available to the authority and, therefore, the prescription of age of the vehicle by way of Circular cannot be said to be *ultra vires* the provisions contained in the Central Motor Vehicles Act or Rules made thereunder, insofar as prescription of age of the vehicle for the use of the driving school is concerned.

4. Strenuous efforts made by learned counsel for the petitioner to submit that the aforesaid decision is *per incuriam*, as the provisions contained in Section 27 of the Motor Vehicles Act, 1988 have not been properly construed and interpreted, is a submission to challenge the



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correctness and validity of the order passed by a Co-ordinate Bench of this Court.

5. Learned Additional Advocate General appearing for the State rightly points out that SLP was filed against the aforesaid decision and the same was dismissed.

6. The submission that the aforesaid decision would require consideration, as the other High Courts have taken a different view, does not impress us.

7. It is relevant to mention that the petitioner herein was one of the parties in the case of *South India Driving Schools Owners Federation* (supra).

8. The submissions made in the matter of challenge to the validity of the prescription of age by way of Circular came up for consideration of this Court and following submissions were made:

"29. The next important submission made on behalf of the appellants relate to fixation of the age limit for the vehicle to be used in the driving school. In this connection, Mr.



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Gopalakrishna, learned counsel appearing for the appellants in W.A. Nos. 633 to 635 of 2010 pointed out Rule 82 of the Central Motor Vehicle Rules and argued that it specifically earmarked the age of the vehicle in so far as tourist permit vehicles are concerned by stating that the validity for the permit will be only for 9 years in the case of motor cab and 8 years in the case of other than motor cab. It was also made clear that the period of 9 years and 8 years commenced from the date of initial registration of the motor vehicles, meaning thereby that no motor vehicle can be used or utilised beyond the period of 8 or 9 years in those categories for tourist permit vehicle. Similarly, Rule 88 of the Central Motor Vehicle Rules would specify that no national permit shall be granted in respect of goods carriage other than mutiaxle vehicle, which is more than 12 years old at any point of time. He also referred to Rule 169 A (5) of the Tamil Nadu Motor Vehicles Rules which stipulates that at no point of time, the vehicle covered by the permit shall not be more than seven years old in the case of indigenous vehicle and not more than 10 years old in the case of imported vehicle. He also referred to Section 59 of the Motor Vehicles Act, 1988 whereby power is given to the Central Government in regard to fixation of age of the vehicle having regard to public safety, convenience and object of the Act by notification in the official gazette specifying the life of motor vehicle reckoned from the date of its manufacture, after the expiry of which, the motor vehicle shall not be deemed to comply with the requirements of this Act. Therefore, according to the



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learned counsel for the appellants, the Central Government alone has got the power to regulate the use of the vehicles as regards the age, but at the same time, proviso to the section would says that the Central Government, may specify different ages for different classes or different types of motor vehicles. The crux of the argument of the learned counsel for the appellants was that when different age limit were fixed by the Central Government in Central Motor Vehicle Rules as well as Tamil Nadu State Motor Vehicle Rules and nothing is specified in so far as age limit of the vehicle belonging to the driving school, the State Government, by way of circular, cannot introduce new age limit of the vehicle for the use of the driving school. He also contended that for the purpose of running driving school, necessarily, old vehicles alone can be utilised as it tends to get many dents and cracks during the course of the learning process. Therefore, the learned counsel appearing for the appellant in W.A. Nos. 633 to 635 of 2010 submitted that the circular issued by the Transport Commissioner, which was impugned in the writ petition, if it was given effect, would result in serious repercussions in the very existence of the driving schools."

9. The State opposed the said submissions as follows:

"30. The learned Advocate General appearing for the respondents countered this argument by stating that the object of the circular itself is to produce skillful drivers. If they are taught driving with very old vehicles, which are not



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in tune with the present day system or mechanism or totally old system, when they are pressed into service to drive the vehicle, they may not be able to tackle the vehicle in the public road effectively and therefore, the very object of the circular is based on the public safety, otherwise, public safety will be at peril."

10. After having considered the submissions made, this Court recorded the finding as below:

"31. We find force in the argument of the learned Advocate General. Take for an example if the driving schools imparts training to a person in driving with old model vehicle, say Standard Car or Fiat Car, which are no longer in existence, or even a very old Ambassador Car, with a hand shift gear or still older model of vehicle, the person, who was imparted training with driving in such vehicle would be totally not conversant with the different kinds of vehicles which are produced and marketed in the present day where the very gear system was abolished, the braking model are totally different, the intricacies or driving technics involved in these vehicles are completely different. With the on-coming of various foreign model cars into India, which are manufactured in India, which got different methodologies in respect of gear, brakes, a person, who was imparted training in such old cars is asked to drive those cars, he will be totally a fish out of the pond and he cannot effectively drive the car in the burgeoning traffic, especially when these



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new cars are of high speed quality. A person, who has got licence merely because he was trained by the driving school with old cars and passed the test conducted by the Regional Transport Officers concerned, yet it will be a total failure when he takes out the car for a driving. In that process, due to accidents, the public at large will be put to peril. Because of the inability of the drivers to drive new car or conversant with the new system in the new cars, it will be detrimental to public safety. Under those circumstances, we do not find any inconsistency with the Government choosing to regulate the driving schools by stating that they have to use the vehicle, which are less than 8 years for the purpose of imparting driving class. In fact, there is a rationale of eight years also. When we see the existing Rules, in all these vehicles, eight years forms basic limit. As stated supra, when the Tamil Nadu Motor Vehicle Rules itself fixes the age limit for tourist cabs, these are all only regulations made by the Transport Commissioner to augment the object of the motor vehicle department, to increase the efficiency of the drivers so as to curtail the occurrence of accidents. Therefore, in our considered view, this is one of the criteria stipulated by the Transport Commissioner to regulate the driving schools, which power is vested with the State Government under Section 12 of the Motor Vehicles Act. Therefore, we do not see any reasons to take a different view than the one taken by the learned single Judge and consequently, the argument of the learned counsel for the appellants is rejected. In fact, before the learned single Judge, an attempt was made to challenge the



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condition relating to furnishing solvency certificate to the tune of Rs. 3 lakhs for establishment of driving schools. Of course, the learned Advocate General, across the Bar, has given a concession that such condition to furnish solvency certificate will apply only to the new driving schools and it will not apply to the existing driving schools. Even here, we find from the earlier order in WP No. 2162 of 1995 dated 15.02.1995 filed by the appellant in W.A. No. 635 of 2010 that in respect of the condition to furnish solvency certificate to the tune of Rs. 15,000/-, it was contended in that writ petition that the Commissioner's instruction were not in violation of any of the Act and Rules and therefore, this Court also held that the instructions given by the Transport Commissioner is valid and correct. Under those circumstances, the appellants are precluded or estopped from questioning the conditions imposed in the circular to furnish solvency certificate for Rs. 3 lakhs."

11. It is, therefore, apparent that the issue raised in this petition is squarely covered by the decision of the Division Bench of this Court in the case of *South India Driving Schools Owners Federation (supra)*, against which SLP was filed and the same was also dismissed.

Therefore, no case is made out. Petition is dismissed. There shall be no order as to costs. Consequently, connected miscellaneous



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petitions are closed.

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(MANINDRA MOHAN SHRIVASTAVA, CJ)

(SUNDER MOHAN,J)

26.08.2025

Index : Yes/No
Neutral Citation : Yes/No
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THE HON'BLE CHIEF JUSTICE
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