

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 20.4.2015.

CORAM

THE HON'BLE MR.JUSTICE T.RAJA

W.P.Nos.11326 to 11334 of 2015

Robert Clive	Petitioner in W.P.No.11326 of 2015
P.Gunasundari	Petitioner in W.P.No.11327 of 2015
M.Maran	Petitioner in W.P.No.11328 of 2015
V.Sarala	Petitioner in W.P.No.11329 of 2015
M.Radha	Petitioner in W.P.No.11330 of 2015
R.Raman	Petitioner in W.P.No.11331 of 2015
G.Balaji	Petitioner in W.P.No.11332 of 2015
M.Pazhani	Petitioner in W.P.No.11333 of 2015
V.Sakthivel	Petitioner in W.P.No.11334 of 2015

vs.

The Transport Commissioner
State Transport Authority
Chepauk Chennai 600 005. R1 in all the nine cases.

The Regional Transport
Officer Chennai (North-East)
Chennai R2 in W.P.Nos.11326, 11327 and 11330
of 2015

The Regional Transport
Officer Red Hills
Chennai R2 in W.P.Nos.11328, 11329, 11331 and
11332 of 2015

The Regional Transport
Officer Chennai (North)
Chennai R2 in W.P.Nos.11333 and 11334 of 2015

W.P.No.11326 of 2015

Writ Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of mandamus directing the 2nd respondent herein to receive the application of the petitioner dated 22.1.2015 in Form CCPA and the prescribed fee for the grant of a Autorickshaw Permit and to consider the same.

W.P.No.11327 of 2015

Writ Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of mandamus directing the 2nd respondent herein to receive the application of the petitioner dated 22.1.2015 in Form CCPA and the prescribed fee for the grant of a Autorickshaw Permit and to consider the same.

W.P.No.11328 of 2015

Writ Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of mandamus directing the 2nd respondent herein to receive the application of the petitioner dated 27.1.2015 in Form CCPA and the prescribed fee for the grant of a Autorickshaw Permit and to consider the same.

W.P.No.11329 of 2015

Writ Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of mandamus directing the 2nd respondent herein to receive the application of the petitioner dated 27.1.2015 in Form CCPA and the prescribed fee for the grant of a Autorickshaw Permit and to consider the same.

W.P.No.11330 of 2015

Writ Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of mandamus directing the 2nd respondent herein to receive the application of the petitioner dated 27.1.2015 in Form CCPA and the prescribed fee for the grant of a Autorickshaw Permit and to consider the same.

W.P.No.11331 of 2015

Writ Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of mandamus directing the 2nd respondent herein to receive the application of the petitioner dated 27.1.2015 in Form CCPA and the prescribed fee for the grant of a Autorickshaw Permit and to consider the same.

W.P.No.11332 of 2015

Writ Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of mandamus directing the 2nd respondent herein to receive the application of the petitioner dated 27.1.2015 in Form CCPA and the prescribed fee for the grant of a Autorickshaw Permit and to consider the same.

W.P.No.11333 of 2015

Writ Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of mandamus directing the 2nd respondent herein to receive the application of the petitioner dated 29.1.2015 in Form CCPA and the prescribed fee for the grant of a Autorickshaw Permit and to consider the same.

W.P.No.11334 of 2015

Writ Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of mandamus directing the 2nd respondent herein to receive the application of the petitioner dated 29.1.2015 in Form CCPA and the prescribed fee for the grant of a Autorickshaw Permit and to consider the same.

For Petitioner : Mr.S.Govindraman

For Respondents: Mr.R.Lakshminarayanan, AGP

COMMON ORDER

These writ petitions have been filed seeking issuance of writ of mandamus directing the second respondent-Regional Transport Officer to receive the applications of the petitioners in Form CCPA and the prescribed fee for the grant of a Autorickshaw Permit and to consider the same.

2. Mr.R.Lakshminarayanan, learned Additional Government Pleader takes notice for the respondents.

3. Learned counsel appearing for the petitioner would submit that the Transport Commissioner issued a circular ten years ago imposing restrictions for the autorickshaw permits while a group of persons made it a profitable business. Subsequently, in the year 2010, the State of Tamil Nadu issued an order to grant permits immediately on applications while the restrictions imposed earlier stood removed. In spite of the removal of restrictions for grant of autorickshaw permits, the second respondent in the respective writ petitions, have not come forward to consider the applications.

4. Section 80 (1) and (2) of the Motor Vehicles Act reads thus:-

"80. Procedure in applying for and granting permits.

(1) An application for a permit of any kind may be made at any time.

(2) A Regional Transport Authority, State Transport Authority or any prescribed authority referred to in sub-section (1) of Section 66 shall not ordinarily refuse to grant an application for permit of any kind made at any time under this Act."

5. On a perusal of the above provision, it is clear that on receipt of any application for permit of any kind made at any point of time, the Regional Transport Officer, State Transport Authority or any prescribed authority referred to in sub-section (1) of Section 66 shall not ordinarily refuse to grant an application for permit and therefore, the second respondent is hereby directed to receive the application of the petitioner in form CCPA alongwith prescribed fee for grant of autorickshaw permit and consider the same on merits within a period of two weeks from the date of receipt of copy of this order.

6. Since section 80 of the Motor Vehicles Act, 1988 obliges the authority to consider the application for grant of any kind of permit at any point of time, this court directs the second respondent to receive the application alongwith requisite fee and consider the same on merits and pass appropriate orders.

7. The writ petitions are disposed of accordingly. No costs.
ssk.

s/d-
Assistant Registrar(CS-III)

True Copy

Sub-Assistant Registrar

To

1. The Transport Commissioner
State Transport Authority
Chepauk Chennai 600 005.
2. The Regional Transport
Officer Chennai (North-East)
Chennai
3. The Regional Transport
Officer Red Hills
Chennai
4. The Regional Transport
Officer Chennai (North)
Chennai

+ 9 ccs to Mr.S.Govindraman, Advocate SR 21257

+ 1 cc to Government Pleader SR 21500

sr(co)
prk28/5

W.P.Nos.11326 to
11334 of 2015