

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.06.2015

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.17360 of 2015

And

M.P.No.1 of 2015

R.Arul

...Petitioner

Vs.

1.The Regional Transport Authority
Vellore District at Ranipet,
Vellore District.

2.The Regional Transport Officer
Ranipet, Vellore District.

...Respondents

Prayer:

Writ petition filed under Article 226 of the Constitution of India praying for a Writ of Certiorarified Mandamus calling for the records of the impugned order of the first respondent vide R.No.42609/A4/2014 dated 25.05.2015 and to quash the same and further direct the first respondent to condone the delay of 34 days in submitting the Application of Renewal of Permit in respect of the petitioner's Autorickshaw bearing Registration No.TN-23-AX-7016.

For Petitioner : Mr.S.Govindraman

For Respondents : Mr.A.Kumar

Special Government Pleader

ORDER

This writ petition has been filed challenging the impugned order dated 25.05.2015 passed by the Regional Transport Officer, Vellore District at Ranipet.

2.The petitioner is a holder of Contract Carriage Autorickshaw Permit in respect of Autorickshaw Vehicle bearing Registration No.TN-23-AX-7016. Being a owner-cum-driver of the said autorickshaw, he was granted permit upto 15.02.2014. Whiles, the petitioner should have presented application for renewal 15 days before the expiry as contemplated under Section 81(2) of the Motor Vehicles Act, 1988. However, in view of his ill health, that has been certified by the Chief Medical Officer, ESI Dispensary, Ranipet dated 08.03.2014, he was unable to submit his application as prescribed under Section 81

(2) of the Act. However, there was a delay of 34 days in submitting the application.

3. In view of the above said delay, the petitioner made an application enclosing medical certificate issued by the Chief Medical Officer, ESI Dispensary, Ranipet. But the respondent who has received the application on 07.03.2014 with 34 days delay having slept over the matter for more than one year, passing order only on 25.05.2015 on the ground of delay without even looking into the provision under Section 81(3) of the Act which says that the Regional Transport Authority or the State Transport Authority, as the case may be, may entertain an application for the renewal of a permit after the last date specified in that sub-section if it is satisfied that the applicant was prevented by good and sufficient cause from making an application within the time specified. In the present case, as mentioned above the petitioner in view of his ill health who was unable to submit application 15 days before the expiry has moved application along with medical certificate issued by the competent authority, namely, Chief Medical Officer, ESI Dispensary, Ranipet. The respondent ought not to have rejected the same.

4. Mr. A. Kumar, learned Special Government Pleader takes notice for the respondents.

5. Admittedly in this case, petitioner who is owner cum driver of Autorickshaw bearing Registration No. TN-23-AX-7016 has got valid permit upto 15.02.2014. However, he was unable to submit his application for renewal 15 days before the expiry of time as specified in 81(2) of the Motor Vehicles Act, 1988. In this context, it is relevant to extract 81(2) and 81(3) of the Motor Vehicles Act, 1988:

"(2) A permit may be renewed on an application made not less than fifteen days before the date of its expiry.

(3) Notwithstanding anything contained in sub-section (2), Regional Transport Authority or the State Transport Authority, as the case may be, may entertain an application for the renewal of a permit after the last date specified in that sub-section if it is satisfied that the applicant was prevented by good and sufficient cause from making an application within the time specified."

6. A mere reading of the same goes to show that notwithstanding anything contained in 81(2) of the Act, the first respondent ought to have entertained the petitioner's application for renewal of permit even after the last date specified in the sub-section, since the petitioner was prevented by his ill-health, after satisfying with the sufficient cause in the light of the medical certificate issued by the Chief Medical Officer, ESI Dispensary, Ranipet. Therefore, the impugned order is set aside and the first respondent is directed to

consider the request of the petitioner within a period of one week from the date of receipt of a copy of this order, since more than one year had elapsed during the period of pendency of the application from 07.03.2014 till 25.05.2015, and till now the vehicle is not operated. The first respondent is directed to consider positively the request of the petitioner and grant license within a period of one week from the date of receipt of a copy of this order.

7. Accordingly, the writ petition is disposed of. No costs. Consequently, the connected miscellaneous petition is also closed.

Sd/-

Assistant Registrar

True Copy

Sub Assistant Registrar

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To

1. The Regional Transport Authority
Vellore District at Ranipet,
Vellore District.

2. The Regional Transport Officer
Ranipet, Vellore District.

1 cc to Government Pleader. Sr.No.30119

1 cc to Mr.S.Govindraman, Advocate Sr.No.29949

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pmk.25.8.2015

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