

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.06.2015

CORAM:

THE HONOURABLE MR. JUSTICE T.RAJA

W.P.No.18769 of 2015

KKC Vadivel

.. Petitioner

Vs

The Regional Transport Authority
Thiruchengode

... Respondent

This Writ Petition under Article 226 of the Constitution of India for the issuance of a Writ of Mandamus to directing the respondent herein to consider and pass orders on the petitioner application dated 18.5.2015 (dealt with in R.No.26847/ B3/2015) for the grant of Contract Carriage Auto Rickshaw permit forthwith

For petitioner Mr.K.Hariharan

For respondent Mr.R.Lakshmi Narayanan,
Additional Government Pleader

O R D E R

This writ petition has been filed by the petitioner seeking the relief of issuing a Writ of Mandamus under Article 226 of the Constitution of India, to direct the Regional Transport Officer to consider and pass orders on his application in Form CCPA and the prescribed fee for the grant of auto rickshaw permit.

2. Learned counsel for the petitioner would submit that the petitioner herein has purchased an auto TN-23/BW5299 under hire purchase agreement and on 18.05.2015, he applied for a contract carriage auto rickshaw permit and the respondent assigned R.No.26847/B3/2015 to the petitioner's application. On 26.05.2015, the respondent sent a communication that the petitioner's application is under consideration. However, till date no orders are passed. Hence, the petitioner is before this Court.

3. Further, according to the learned counsel for the petitioner, this Court in similar circumstances in W.P. No. 13263 to 13279 of 2015 dated 29.04.2015 has held as follows:-

"4. This Court is unable to appreciate the above contention for the simple reason that when G.O.Ms.No.453 Home (Transport III) Department dated 13.05.2010 was issued five years ago lifting the ban with immediate effect, with further direction that all those auto rickshaws that will ply in Chennai Metropolitan Area should run on LPG as per the existing guidelines, the second respondent(s) ought not to have refused to receive the applications for grant of auto rickshaw permit.

5. With the supposition that, owing to the increase in the volume of vehicles on the city roads, apart from large-scale traffic congestions, there is a steep rise in the rate of accidents, the respondents overzealously project that grant of Vehicle Permits is absolutely unjustified and unwarranted. It seems, they turned a blind eye to the ground reality that thousands of unemployed youth and many individuals struggling for survival, when find no job avenue open for them, ultimately go for self-employment like driving, operating auto-rickshaws of their own, etc. If the self-assumed reasons not to grant Auto-rickshaw permits as put forth by the respondents are accepted, I am afraid, such action would have adverse social implications due to frustration among the un-employed youth and other individuals at the bottom-level of the society whose main avenue of self-employment would be taken away. Similarly, based on other hypothetical apprehensions and presumptive reasons like over-urbanization, dumping of by-products, natural-habitat destruction, etc., if any absurd decision is taken for curtailing the permits to start small and large scale industries, growth in trade and commerce which is the backbone of the nation's economy would be endangered, thereby, the hard and odd repercussions resulting there-from like non-employment, unemployed youths going to antisocial activities like theft, women trafficking, begging etc., cannot be so simply set right. This Court intends to make it clear to the Authorities concerned that while they are bound to act only based on Rules and Regulations governing them, at the same time, they should also be alive to the social responsibility in applying the set of rules in such a manner that none of their acts should disturb the essential concessions already made available to the public, in particular, to those

who are socially and economically backward.

6. Therefore, in the light of the above G.O.Ms.No.453 Home (Transport III) Department dated 13.05.2010, the second respondent in each of the writ petition is hereby directed to receive the applications of the petitioners along with requisite fee forthwith and grant auto rickshaw permits within a period of two weeks from the date of receipt of a copy of this order".

3. In view of the above, following the said decision rendered by this Court in W.P. No. 13263 to 13279 of 2015 dated 29.04.2015, the respondent is hereby directed to pass orders on the application of the petitioner dated 18.05.2015 and grant auto rickshaw permit within a period of two weeks from the date of receipt of a copy of this order.

4. With the above direction, this writ petition is allowed. No costs.

Sd/-
Assistant Registrar

True Copy

Sub Assistant Registrar

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To

The Regional Transport Authority
Thiruchengode.

1 cc to Government Pleader.Sr.No.32941

1 cc to Mr. K.Hariharan, Advocate Sr.No.31900

W.P.No.18769 of 2015

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