

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.07.2015

CORAM

THE HONOURABLE MR.JUSTICE T. RAJA

Writ Petition No.18985 of 2015

M.P.No.1 of 2015

P.Venkatesan

... Petitioner

Vs.

The Regional Transport Officer,
Ranipet, Vellore District.

... Respondent

Writ Petition filed under Article 226 of the Constitution of India praying for Writ of Certiorarified Mandamus, to call for the records of the impugned order of the respondent, vide Na.Ka.No.28816/A4/2015, dated 16.02.2014, in revoking the renewal of permit granted to the petitioner's Autorickshaw, quash the same and further to direct the respondent to issue the renewal permit for the petitioner's Autorickshaw, bearing Registration No.TN 73 5144.

For Petitioner : Mr.S.Govindraman

For Respondent : Mr.A.Kumar,
Spl. Govt. Pleader

O R D E R

This writ petition has been filed by Mr.P.Venkatesan, challenging the impugned order, dated 16.02.2014, refusing to renew the permit granted to the petitioner's Autorickshaw, bearing Registration No.TN 73 5144, with a further direction to the respondent to issue the renewal permit for the abovesaid Autorickshaw.

2. The petitioner is a holder of Contract Carriage Autorickshaw permit, in respect of vehicle, bearing Registration No.TN 73 5144. The permit was valid upto 08.07.2014. It appears that the petitioner has made an application on 04.07.2014, for renewal of permit, in the prescribed form. Along with his application, he claimed to have submitted the original records of the vehicle, viz., (1) The Certificate of Registration, (2) The Insurance Certificate, (3) Tax Proof (Tax paid from 07.07.2014 to 24.09.2014) and (4) Fitness Certificate (Valid upto 24.09.2014). Subsequently, vide proceedings in Rc.No.28816/B3/2014, dated 12.08.2014, the respondent has renewed the permit, for a period of five years, from 09.07.2014 to 08.07.2019, with a direction to produce the records, within a period of four months. Thereafter, the petitioner has approached the Office of the respondent, but the respondent has not made an endorsement of renewal.

3. In this background, the grievance of the learned counsel for the petitioner is that when the petitioner has submitted his application, along with the originals of Registration Certificate, Insurance Certificate and Tax proof for payment of green tax from 07.07.2014 to 24.09.2014, the petitioner should have been granted the renewal of permit to his Autorickshaw. He has also brought to the notice of this Court, to an endorsement made by the respondent in the backside of Certificate of Registration, about the fitness of the vehicle, bearing Registration No.TN 73 5144, stating that the vehicle is complying with the provisions of Section 56 of the Motor Vehicles Act, 1988 and the Rules made thereunder. The endorsement also shows that the certificate will expire on 05.01.2016.

4. Although the learned Special Government Pleader appearing for the respondents, in order to support the impugned order, submitted that the petitioner has not produced all the relevant documents, but this Court, finding that the petitioner has been in possession of the aforementioned documents, is inclined to cancel the impugned order and accordingly, the same is quashed, with a direction to the respondent to renew the permit for the petitioner's Autorickshaw, bearing Registration No.TN 73 5144, within a period of two weeks, from the date of receipt of a copy of this order.

5. With the above direction, the Writ Petition stands disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar

True Copy

Sub Assistant Registrar

skm

To

The Regional Transport Officer,
Ranipet, Vellore District.

1 cc to Mr.S.Govindraman , Advocate Sr.No.33236
1 cc to Government Pleader.Sr.No.34367

W.P.No.18985 of 2015

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pmk.24.7.2015