

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.12.2015

CORAM:

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P.No.37363 of 2015

M.Shanmugam

...Petitioner

Vs.

The Regional Transport Authority,
Salem (East).

...Respondent

Writ petition filed under Article 226 of the Constitution of India for the issuance of writ of Mandamus, to direct the respondent herein to take back the application of the petitioner dated 5.11.2015 for issue of Tourist Maxi Cab permit in respect of Vehicle No.TN 54/J-9925 Tourist Maxi Cab, Maker's Class : Eicher 10.50, Maker's Name: VE Commercial Vehicles Ltd with Chassis No.MC211CRFOEG299188; Engine No.E483CDEG653195 with seating capacity: 13 and grant the same.

For Petitioner : Mrs.S.Radha Gopalan

For Respondent : Mr.M.S.Ramesh,
Addl. Govt. Pleader

ORDER

Challenging the return of the petitioner's application for grant of Tourist Maxi Cab Permit, the petitioner has filed this writ petition.

2.According to the petitioner, he is an operator of Maxi Cab vehicle. He was issued a Maxi Cab permit on 24.12.2014 by the authority concerned on condition that he should produce the registration certificate of the vehicle along with fitness certificate, insurance certificate and current tax paid within three months, failing which, sanction accorded will be revoked. Pursuant to the same, the petitioner purchased a LMV-Tourist Maxi Cab Eicher 10.5 model vehicle with seating capacity of 13, which was manufactured by M/s.VE Commercial Vehicles Ltd and registered the same on 5.1.2015 vide Regn.No.TN 54 J 9925. Thereafter, the petitioner made an application dated 5.11.2015 along with registration certificate of the vehicle for grant of permit, which was returned by the respondent on the ground that there is no approval for grant of Maxi Cab permit for such type

of vehicle from the Government. Aggrieved against the same, the petitioner is before this Court.

3.The learned counsel for the petitioner submitted that when there is no prohibition for the respondent to register such type of vehicle as "Tourist Maxi Cab", the respondent ought to have granted Maxi Cab Permit and hence, the return of the petitioner's application for grant of permit is arbitrary and illegal. The learned counsel also relied on the circular issued by the Transport Commissioner in No.07/2014 dated 06.05.2014, which directs the respondent to register such vehicles.

4.Heard the learned counsel for the petitioner and the learned Additional Government Pleader appearing for the respondent.

5.Admittedly, the petitioner's vehicle has been manufactured by M/s.VE Commercial Vehicles Limited and is having the seating capacity of 12 + 1. Further, the registration certificate of the vehicle in question also says the maker's name as M/s.VE Commercial Vehicles Ltd. Hence, this Court is of the view that if the petitioner complies with all other required conditions, there is no impediment for the respondent to consider the application for the grant of permit to the petitioner for the vehicle in question.

6.Accordingly, the writ petition is disposed of, with a direction to the respondent to take up the application of the petitioner for the grant of permit to the petitioner for the vehicle in question, in the light of the circular No.7/2014 issued by the Transport department and pass appropriate orders within a period of four weeks from the date of receipt of a copy of this order, if the petitioner complies with all other required conditions. No costs.

rk

Sd/-

Asst.Registrar

/true copy/

Sub Asst. Registrar

To

The Regional Transport Authority, Salem (East).

+ 1 cc to Mrs.S.Radha Gopalan, Advocate Sr 67251.

+ 1 cc to The Govt.Pleader, Sr 67871.

UG/CO

KR/17/12

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