

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.12.2015

CORAM:

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P.No.39510 of 2015
and
M.P.Nos.1 and 2 of 2015

S.Suseela

... Petitioner

Vs

1. The Regional Transport Authority,
Coimbatore South Region,
Coimbatore.
2. The Secretary,
Regional Transport Authority-cum-
Regional Transport Office,
Coimbatore (South),
Coimbatore.

... Respondents

Writ petition has been filed under Article 226 of the Constitution of India for the issuance of writ of Certiorari, to call for the records of the impugned order of the first respondent herein vide R.No.46738/A3/2014 dated Nil.07.2014 and quash the same with reference to the cancellation of mini stage carriage permit of the petitioner's vehicle bearing Registration No.TN-39-Q-8552 plying on the route Singanallur Police Station to Kamatchiamman Koil.

For Petitioner : Mr.S.Govindraman

For Respondents : Mr.A.Rajaperumal, Govt. Advocate

ORDER

By consent, the writ petition itself is taken up for final disposal.

2.Challenging the order passed by the first respondent, cancelling the mini bus permit, the petitioner has filed this writ petition.

3. According to the petitioner, she is the owner of a Mini bus bearing Regn.No.TN-39 Q 8552 along with a permit, which was renewed by the first respondent in the year 2010 valid upto 29.10.2015. Inadvertently, the petitioner failed to pay motor vehicle tax in respect of the vehicle in question for two quarters from 01.01.2014 to 30.06.2014, for which, a show cause notice was issued by the first respondent. The petitioner did not respond the same. Thereafter, the order of cancellation of mini bus permit was issued and served on the petitioner. Hence, the petitioner is before this Court.

4. The learned counsel for the petitioner submitted that the Motor Vehicles Act provides for compounding the offence for non-payment of taxes so as to have the continuance of the services by renewal of permit granted in favour of the petitioner. He also submitted that due to health reason, the petitioner was unable to pay the motor vehicle tax in respect of the vehicle in question and the same led to cancellation of her mini bus permit, against which, no appeal has been filed. Since the petitioner was not able to get the original copy of the order cancelling the mini bus permit, the present writ petition came to be filed. However, the learned counsel for the petitioner submitted that it would suffice, if the petitioner is permitted to file an appeal before the Appellate Authority, after getting the certified copy of the order cancelling the permit, which would meet the ends of justice.

5. In view of the above, the petitioner is directed to approach the first respondent within a period of two weeks from the date of receipt of a copy of this order along with a representation seeking a certified copy of the order impugned herein and on submission of one such representation, the first respondent is directed to furnish a certified copy of the order cancelling the mini bus permit granted to the petitioner forthwith. Upon receipt of the certified copy of the order, an appeal to the Appellate Authority shall be filed within a period of two weeks thereafter and on filing of the appeal, the same shall be entertained by the Appellate Authority, without raising any issue with regard to limitation.

6. The writ petition is disposed of accordingly. No costs. Consequently, connected Miscellaneous Petitions are closed.

rk

s/d-

Assistant Registrar(CS-III)

True Copy

Sub-Assistant Registrar

To

1. The Regional Transport Authority,
Coimbatore South Region,
Coimbatore.
2. The Secretary,
Regional Transport Authority-cum-
Regional Transport Office,
Coimbatore (South),
Coimbatore.

+ 1 cc to Mr.Govindaraman, Advocate SR 68403

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W.P.No.39510 of 2015



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