

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.01.2016

CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P.No.1027 of 2016

J.Venkatesan

... Petitioner

Vs

The Regional Transport Authority,
Ranipet,
Vellore District.

... Respondent

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified mandamus to call for the records in the order dated 18.09.2015 passed by the respondent herein in R.No.16368/A4/2014 and quash the same and direct the respondent to issue renewal of permit to the petitioner for the vehicle bearing Regn.No.TN-73 A 0813.

For Petitioner : Mr.Nirmaleswar T.

For Respondent : Mr.R.M.Muthukumar,
Government Advocate

ORDER

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

2.The petitioner has filed this writ petition challenging the order dated 18.09.2015 passed by the respondent and consequently seeking a direction to the respondent to issue renewal of permit to him.

3.According to the petitioner, he is the owner-cum-driver of an auto bearing Regn.No.TN 73 A 0813 and for the same, he obtained permit, which was valid from 16.02.2010 to 15.02.2015. Due to ill-health condition, the petitioner applied for renewal

of permit only on 08.04.2015. After a month, the respondent issued a notice, calling upon the petitioner to attend the personal hearing. Accordingly, the petitioner appeared, produced medical certificate and sought for renewal of permit. Since no order was passed by the respondent, the petitioner made a representation dated 10.08.2015 to the District Collector. Thereafter, the respondent passed an order dated 18.09.2015 rejecting the petitioner's application for renewal of permit on the ground of limitation. Hence, the petitioner is before this court.

4.Learned counsel for the petitioner submitted that the respondent, without considering the documents produced by the petitioner and without stating any reason, rejected the application filed by the petitioner for renewal of permit, as such, the same is arbitrary and illegal and is liable to be set aside.

5.On the other hand, Mr.R.M.Muthukumar, learned Government Advocate, who took notice for the respondent, submitted that as against the order passed by the respondent, an appeal remedy is available to the petitioner. However, without exhausting such remedy, the petitioner straight away approached this court by way of the present writ petition.

6.Admittedly, an appeal lies against the rejection of renewal before the State Transport Appellate Tribunal. In view of the above, the petitioner is directed to file an appeal against the order dated 18.09.2015 passed by the respondent before the Appellate Authority within a period of two weeks from the date of receipt of a copy of this order. On filing of such appeal, the same shall be entertained by the Appellate Authority without raising any issue with regard to limitation.

7.The writ petition is disposed of accordingly. No costs.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

rk

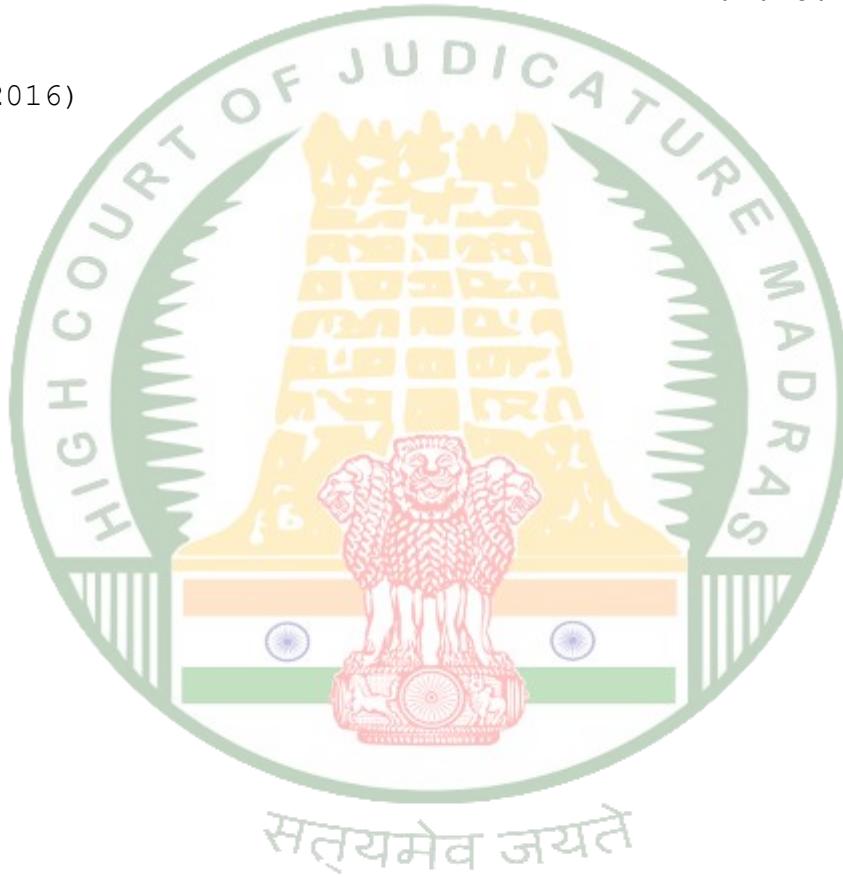
To

The Regional Transport Authority,
Ranipet,
Vellore District.

+1cc to Mr.Nirmaleswar T., Advocate, S.R.No.2134
+1cc to the Government Pleader, S.R.No.2431 (18.05.2016)

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UG (CO)
CA(18/01/2016)



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