

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 08.06.2016
Coram

The Hon'ble Mr.Justice T.S.Sivagnanam

Writ Petition No.18324 of 2015
and
M.P.No.1 of 2015

D.Jagan

...Petitioner

Vs.

1. The Regional Transport Authority,
Vellore District at Ranipet,
Vellore District.
2. The Regional Transport Officer,
Ranipet,
Vellore District.Respondent

Writ Petition filed under Article 226 of the Constitution of India, for issuance of Writ of Certiorarified Mandamus to call for records of the impugned order of the first respondent, vide R.No.34239/A4/2014, dated 25.05.2015, and to quash the same, and further, to direct the first respondent to condone the delay of 32 days in submitting the application of renewal of permit in respect of the petitioner's auto-rickshaw, bearing Registration No.TN-73-5373

For Petitioner : Mr.S.Govindraman

For Respondents : Mr.R.Lakshmi Narayanan
Additional Government Pleader

ORDER

This Writ Petition has been filed, seeking to quash the order passed by the first respondent, dated 25.05.2015, in and by which, the petitioner's application for renewal of auto permit has been rejected as time barred.

2. Heard the learned counsel for both sides.

3. The petitioner was granted auto permit, which was valid for five years, i.e., from 15.07.2009 to 14.07.2014. Since the period to hold the permit had expired, the petitioner filed an application for renewal, however, the same was belated by 32 days. Therefore, the petitioner requested for condonation of the delay, and filed a medical certificate issued by the Chief Medical

Officer, E.S.I. Dispensary, Ranipet. The first respondent directed the petitioner to appear in person, and by the impugned order, dated 25.05.2015, rejected the application on the ground that the petitioner's application does not satisfy the provisions of sub section 3 of Section 81 of Motor Vehicles Act, 1988. Sub section 3 of Section 81 of the Act starts with a non obstante clause, notwithstanding anything contained in sub-section (2) of Section 81, the Regional Transport Authority, or the State Transport Authority, as the case may be, may entertain an application for the renewal of a permit after the last date specified in sub-section 2, if it is satisfied that the applicant was prevented by good and sufficient cause from making an application within the time specified.

4. The petitioner's case is that, he could not make the application within 15 days from the date of expiry of the permit, on account of ill-health, and to substantiate the same, he has produced medical certificate issued by Government Doctor.

5. It is to be seen that the first respondent has not doubted the genuineness of the medical certificate produced by the petitioner, nor he has recorded any reason as to why he is not satisfied with the medical certificate given, he has only stated that the petitioner's explanation for the delayed application does not satisfy the provisions of sub section 3 of Section 81 of the Act.

6. The impugned order is cryptic, and not tenable. Considering the fact that the petitioner has produced medical certificate, and the delay is only 32 days, which is not inordinate, this Court is inclined to interfere in the matter, and condone the delay. Accordingly, the Writ Petition is allowed, the impugned order stands quashed, the delay in filing the renewal application is condoned, and the first respondent is directed to consider the petitioner's renewal application on merits and dispose of the same in accordance with the provisions of the Motor Vehicles Act, 1988. No costs. Consequently, connected Miscellaneous Petition is closed.

WEB COPY

Sd/-
Asst.Registrar (CS V)

/true copy/

Sub Asst. Registrar

sd

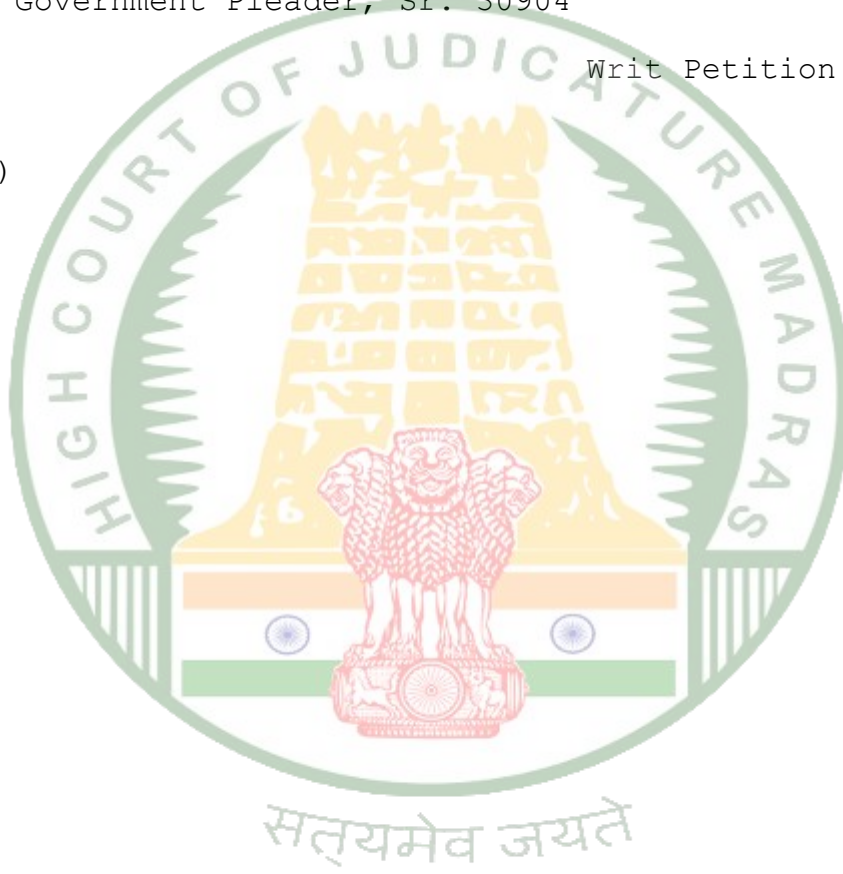
To

1. The Regional Transport Authority,
Vellore District at Ranipet,
Vellore District.
2. The Regional Transport Officer,
Ranipet, Vellore District.

1 cc to Government Pleader, Sr. 30904

Writ Petition No.18324 of 2015

KSJ (CO)
kk 16/6



WEB COPY