

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.11.2016

CORAM

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.No.14828 of 2013
and M.P.No.1 and 2 of 2013

C.Anna Durai

... Petitioner

Vs

1.The Regional Transport Authority,
Chennai (North Region),
Chennai 600 023.

2.The State Transport Appellate Tribunal,
Chennai.

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Certiorarified Mandamus calling for the records of the impugned order of the 1st respondent vide E2/114192/12 dated 04.02.2013 in rejecting the petitioner's Application for renewal carriage Auto rickshaw permit of the vehicle No.TN.05.U.4537 and to quash the same.

For Petitioner : Mr.S.Govindraman

For Respondents : Mr. Zakir Hussain
Govt. Advocate.

O R D E R

The prayer in the writ petition is seeking for renewal of auto rickshaw permit, which was rejected by the respondent on 04.02.2013 on the ground that the petitioner has belatedly made an application. Relying on the order passed by the learned single Judge of this Court in W.P.No.36482/2016 dated 21.10.2016, the learned counsel for the petitioner would submit that if similar directions are granted in this writ petition, the petitioner would be satisfied.

2. The relevant portion of the order of this Court in W.P.No.36482/2016 reads as follows :-

" 3.In terms of Section 81 (2) of the Motor Vehicles Act, 1988, an application is required

to be submitted 15 days prior to the expiry of the permit. Admittedly, the petitioner did not submit the application for renewal 15 days prior to the expiry of the permit. However, now the petitioner has attempted to submit the application with delay.

4. In terms of Sub-section (2) of Section 81 of the said Act, the respondent is entitled to entertain an application beyond the period of 15 days, if he is satisfied that the applicant was prevented by good and sufficient cause from making an application within the time stipulated. Therefore, the respondent should not refuse to receive the application submitted belatedly, but should take into consideration the overall facts and circumstances and pass appropriate orders on merits and in accordance with law."

3. In view of the above observations made by this Court, the delay cannot be the only ground on which, permit can be rejected. Hence the impugned order passed by the first respondent dated 04.02.2013, is liable to be set aside and the same is hereby quashed.

4. Accordingly, the writ petition is allowed with a direction to the first respondent to receive the petitioner's application along with prescribed fee and others required documents and consider the same on merits, by condoning the delay in filing the application and pass orders in accordance with law, within a period of four weeks from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CS III)

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Sub Assistant Registrar

kkd
To

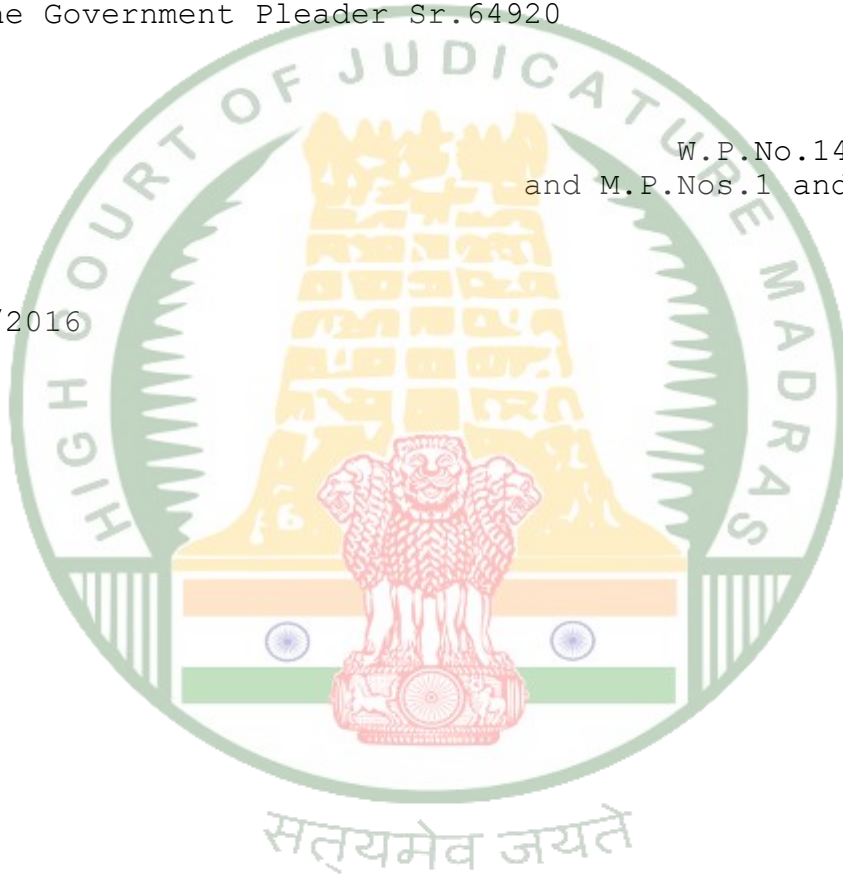
1.The Regional Transport Authority,
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2.The State Transport Appellate Tribunal,
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+1cc to the Government Pleader Sr.64920

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srg 26/12/2016



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