

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.09.2016

C O R A M

THE HON'BLE Mr.JUSTICE T.S.SIVAGNANAM

W.P.No.30671 of 2016

D.Elangovan

.. Petitioner

Versus

The Joint Commissioner,  
O/o.The Joint Commissioner (CT)  
Vellore Division, Vellore.

.. Respondent

Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus calling for the records pertaining to the respondent proceedings vide R.C.A.-3/4870/2015 dated 30.06.2015 and quash the same and in consequence to that direct the respondent to take up the revision on its file and proceed in accordance with law.

For Petitioner ... Mr.K.Anbarasan

For Respondent ... Mr.S.Kanmani Annamalai  
Additional Government Pleader

ORDER

Heard Mr.K.Anbarasan, learned counsel for the petitioner and Mr.S.Kanmani Annamalai, learned Additional Government Pleader accepts notice on behalf of the respondent and with their consent, the Writ Petition itself is taken up for final disposal.

2.The writ petition has been filed challenging the order passed by the Joint Commissioner (CT), Vellore Division dated 30.06.2015 rejecting the petitioner's revision petition as time barred. The revision petition ought to have been filed within a period of 30 days from the date on which, the order of proceedings was served on the petitioner. The revisional authority has got power to condone the delay for a further period of 30 days.

3. In the instant case, admittedly, the delay is 48 days and there is no power for the respondent to condone the delay. Therefore, the impugned order cannot be faulted. However, the petitioner would plead that for reasons beyond the control, they could not present the revision petition within time and there is no wilfulness on the part of the petitioner to present the revision petition belatedly, since he will not stand to benefit on account of belatedly filing the revision petition. Thus, considering the peculiar facts and circumstances of the case and the petitioner being a Transporter, he should not be penalised for certain other false committed by the dealer who engaged his services. Therefore, this Court is inclined to exercise discretion in the matter and permit the petitioner to present the revision.

4. Accordingly, the Writ Petition is allowed and the delay in filing the revision petition is condoned and the respondent is directed to take the revision petition on its file and decide the matter on merits and in accordance with law, after affording an opportunity of personal hearing to the petitioner. No costs.

Sd/-  
Assistant Registrar(J)

//True Copy//

Sub Assistant Registrar

To

The Joint Commissioner,  
O/o. The Joint Commissioner (CT)  
Vellore Division, Vellore.

+1cc to the Special Government Pleader Sr.50185  
+1cc to Mr.K.Anbarasan, Advocate Sr.50285

WEB COPY

W.P.No.30671 of 2016

lrs[col]  
srg 29/09/2016