

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 07.09.2016

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P.No.31166 of 2016

Mrs.Rathnamma

.. Petitioner

Versus

The Regional Transport Officer,
Hosur-635 110.
Krishnagiri District.

.. Respondent

Prayer: This Writ Petition is filed under Article 226 of the Constitution of India, seeking for a Writ of Mandamus, to direct the respondent herein to consider the petitioner's Replacement Application, dated 03.08.2016 and resubmitted by the petitioner on 16.08.2016 for replacement of vehicle bearing Registration No.TN-29-W-9225 permitted to ply on the route-Malur to Krishnagiri via - Bagalur, Hosur by a new Model Vehicle bearing Registration No.TN-34/L-3557, without insisting on the production of valid permit by the petitioner.

For Petitioner : Mr.K.Venkatesan

For Respondent : Mr.V.S.Ramesh
Government Advocate

O R D E R

Heard Mr.K.Venkatesan learned counsel appearing for the petitioner and Mr.V.S.Ramesh, learned Government Advocate, accepting notice on behalf of respondent. With the consent of the learned counsel on either side, the Writ Petition itself is taken up for disposal.

2. The petitioner has filed this Writ Petition for issuance of a Writ of Mandamus to direct the respondent herein to consider her Replacement Application, dated 03.08.2016 and resubmitted by her on 16.08.2016 for replacement of vehicle bearing Registration No.TN-29-W-9225 permitted to ply on the route-Malur to Krishnagiri via - Bagalur, Hosur by a new Model Vehicle bearing Registration No.TN-34/L-3557, without insisting on the production of valid permit by her.

3. The petitioner is a holder of Stage Carriage Permit for the Inter-State route, Malur to Krishnagiri, via Bagalur, Hosur. The primary permit was issued by the State Transport

Authority, Chennai and the same was countersigned by the respondent herein. The route has been included in the Inter-state-Agreement between two States entered into on 30.04.1993 in Serial No.3 Appendix relating to the State of Tamil Nadu. The petitioner's Stage Carriage Permit was periodically renewed by the Authorities. In paragraphs 3 to 8 of the affidavit filed in support of the Writ Petition, the petitioner has stated about the various events which have taken place, after a Draft Scheme under Section 68(c) of the Motor Vehicles Act, 1939 was formulated. However, for the purpose of disposal of this Writ Petition, those facts need not be gone into and it would suffice to note that the petitioner's Application for renewal of permit is now pending before the State Transport Authority, Chennai.

4. The vehicle bearing registration No.TN-29-W-9225, met with an accident on 03.06.2016 and stated to have been extensively damaged and beyond repair. Therefore, the petitioner seeks for replacement of the damaged vehicle with the latest Model Vehicle bearing Registration No.TN-34/L-3557. In this regard, the petitioner has made a request to the respondent. However, the respondent has not passed any order and it appears that the respondent is insisting upon production of permit. This according to the petitioner is incorrect and as the petitioner has been periodically remitting the tax and it has been remitted upto 31.03.2017. In any event, the Application is now pending before the respondent and therefore, it will be appropriate for the respondent to pass a speaking order on the Application on merits and in accordance with law.

5. The learned Government Advocate appearing for the respondent would submit that reasonable time may be granted to the respondent to pass orders.

6. In the light of the above, there will be a direction to the respondent to pass orders on merits and in accordance with law on the petitioner's Application for replacement of Vehicle, dated 03.08.2016 and 16.08.2016 and communicate the same to the petitioner by Registered Post with Acknowledgment Due, within a three weeks from the date of receipt of a copy of this order.

7. With the above direction, the Writ Petition is disposed of. No costs.

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

To
The Regional Transport Officer,
Hosur-635 110.
Krishnagiri District.

+1 cc to Mr.K.Venkatesan,advocate,sr.50616

+1 cc to Govt.Pleader,sr.50915.

ctr(co)
krd 9/9

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