IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.10.2016

CORAM

THE HONOURABLE Mr.JUSTICE T.S.SIVAGNANAM

WP.No.34697 of 2016

V.Balasubramani ..Petitioner

-Vs-

The Regional Transport Authority, .
Vellore District. ..Respondent

PRAYER : Writ petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus or any other appropriate writ or order or direction in the nature of a writ, calling for the records on the file of the Respondent made in R.No.000935/A2/2016, dated 14.03.2016 and to quash the same and consequently direct the Respondent to renew the Petitioner's Contract Carriage Permit in respect of Vehicle No.TN-31-N-0381 plying on the route Karasamangalam to Gudiyatham Koot Road (via) Gangnathapuram, Ettikuppam Koot Road, Singareddiyour, Perumalpet, Melvadugakuttai, Kizhvadugnkuttai Water Tank and Kizhvadugnankuttai Kott Road for a period of 5 years from 14.11.2015 to 13.11.2020 forthwith.

For Petitioner : Mr.A.Ganesan
For Respondents : Mr.K.J.Sivakumar
Government Advocate

ORDER

Heard Mr.A.Ganesan, learned Counsel for the petitioner and Mr.K.J.Sivakumar, learned Government Advocate, who has accepted notice on behalf of the respondent. With the consent of the learned counsel appearing on either side, the Writ Petition itself is taken up for disposal.

2.The petitioner has filed this Writ Petition, challenging the order passed by the respondent dated 14.03.2016, by which the petitioner's Application for renewal of Mini Bus Permit stood rejected on the ground that it has been filed beyond the period of fifteen days, which is the limitation prescribed under

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sub-section 2(81) of the Motor Vehicles Act, 1988.

3.The petitioner's explanation for delay is on account of his ill health. The petitioner has produced the Medical Certificate to substantiate such a plea, from the Medical Officer Government Urban Primary Health Centre, Sathuvachari, Vellore District. The respondent while considering the petitioner's case, after affording an opportunity of personal hearing, did not disbelieve the Medical Certificate, but, citing interest of public, refused to condone the delay.

3.Unfortunately, the respondent has lost sight of the fact that sub-section (3) of 81 of the Motor Vehicles Act, 1988, commences with a non-obstante clause empowers the respondent to entertain an Application for the renewal of a permit beyond the period of limitation if the applicant was prevented for good and sufficient cause from making Application within the time specified.

4.The delay is 69 days and cannot be said to be inordinate, especially on account of the fact that the petitioner was sick. That apart, there is no allegation that the petitioner had deliberately filed the Application belatedly and no malafide is alleged against the petitioner. In fact if the petitioner's application is rejected, the petitioner will not be able to ply his Mini Bus, which would be against public interest. For all the above reasons, the impugned order calls for interference.

5.Accordingly, the Writ Petition is allowed and the delay in filing the Application for renewal is condoned and the respondent is directed to consider the Renewal Application on merits and in accordance with law,within a period of two weeks from the date of receipt of a copy of this order. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

RPA

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To

The Regional Transport Authority, Vellore District.

+1 CC to Mr. A. Ganesan, Advocate Sr.No.57693
+1 CC to Govt., Pleader, Sr.No.57511

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