

In the High Court of Judicature at Madras

Dated : 07.10.2016

Coram :

The Honourable Mr. Justice T.S. SIVAGNANAM

Writ Petition No.35821 of 2016

K.Babu

...Petitioner

Vs

The Regional Transport Officer,
Ranipet, Vellore District.

...Respondent

PETITION under Article 226 of The Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus to call for the records of the respondent relating to the order made in R.No.51618/A4/2015 dated 5.4.2016, quash the same and consequently direct the respondent herein to renew the petitioner's auto rickshaw permit in respect of vehicle No.TN-73/Y- 3967 as applied for.

For Petitioner : Mr.K.Hariharan

For Respondent : Mr.S.Diwar, SGP

ORDER

Mr.S.Diwar, learned Special Government Pleader takes notice for the respondents. Heard both. By consent, the writ petition itself is taken up for final disposal.

2. The petitioner was granted a permit for auto rickshaw, which was valid upto 5.10.2015. In terms of Section 81(2) of the Motor Vehicles Act, the petitioner has to file an application for renewal 15 days prior to expiry of permit. Sub-Section (3) of Section 81 of the said Act proceeds as if the Licensing Authority can condone the delay, if sufficient cause is shown by the licensee.

3. In the instant case, there is a delay of 39 days. The petitioner enclosed a medical certificate to condone the delay and submitted that he was undergoing medical treatment and that therefore, he could not give renewal application in time. This request has been rejected by the impugned order. All that the respondent had stated in the impugned order is that the explanation of the petitioner is not satisfactory in terms of

Section 81(3) of the said Act. This finding is insufficient as the Authority should record reasons to come to the conclusion that the delay has not been properly explained. The respondent has not disbelieved the medical certificate. In such circumstances, the Authority could have exercised his discretion, as the delay is only 39 days. That apart, the respondent has not recorded any mala fides on the part of the petitioner for submitting the renewal application belatedly.

4. Accordingly, the writ petition is allowed, the impugned order is set aside and the delay in filing the renewal application is condoned. The respondent is directed to consider the renewal application and if it is in order, the respondent shall renew the permit and pass appropriate orders within a period of three weeks from the date of receipt of a copy of this order. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

RS

To

The Regional Transport Officer, Ranipet, Vellore District.

+1cc to Mr.Hariharan, Advocate, S.R.No.57969

+1cc to the Government Pleader, S.R.No.58167

GJII(CO)

md(03/11/2016)

सत्यमेव जयते

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