

In the High Court of Judicature at Madras

Dated : 21.10.2016

Coram :

The Honourable Mr.Justice T.S.SIVAGNANAM

Writ Petition No.36482 of 2016

D.Rajkumar

...Petitioner

Vs

The Secretary, Regional Transport
Authority-cum-Regional Transport
Officer, Ranipet, Vellore District.

...Respondent

PETITION under Article 226 of The Constitution of India praying for the issuance of a Writ of Mandamus directing the respondent to receive the petitioner's application dated 20.9.2016 in Form PRA with the prescribed fee for the renewal of contract carriage auto rickshaw permit in respect of vehicle No.TN-73-Y-6573 and to consider and pass orders in accordance with law.

For Petitioner : Mr.S.Govindraman

For Respondent : Mr.K.J.Sivakumar, GA

ORDER

Heard both. By consent, the writ petition itself is taken up for final disposal.

2. The petitioner seeks a direction to the respondent to receive his application dated 20.9.2016 in Form PRA along with prescribed fee for the renewal of auto rickshaw permit in respect of the vehicle bearing Regn.No. TN-73-Y-6573.

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 specified. 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.

5. In the light of the above, the writ petition stands disposed of directing the respondent to receive the petitioner's application along with prescribed fee and examine the contentions raised by the petitioner and if the same are bona fide, then the respondent shall condone the delay in filing the application for renewal and consider the same on merits and in accordance with law by passing a speaking order within three weeks, from the date on which, the application is presented. No costs.

Sd/-

Asst.Registrar (CS VI)

/true copy/

Sub Asst. Registrar

RS

To

The Secretary, Regional Transport Authority-cum-Regional Transport Officer, Ranipet, Vellore District.

1 cc to Government Pleader, Sr. 60534

1 cc to M/s. Govindraman, Advocate, sr. 60868

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