

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.11.2016

CORAM:

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

Writ Petition No.40940 of 2016

P.S.Mani

...Petitioner

Vs

The Secretary, Regional Transport
Authority, Salem (West), Salem.

...Respondent

PETITION under Article 226 of The Constitution of India praying for issuance of a Writ of Mandamus directing the respondent herein to receive and pass order forthwith on the application dated 7.8.2014 of the petitioner for replacement of the existing auto rickshaw bearing Regn.No.TN-27-1600 plying within Salem Municipality with a new auto rickshaw bearing Regn.No. TN-23-AH-0308.

For Petitioner :
For Respondent :

Mr.T.Padmanabhan
Mr.K.J.Shivakumar, GA

ORDER

Mr.K.J.Shivakumar, learned Government Advocate accepts notice for the respondent. 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 and

pass orders on the application dated 7.8.2014 submitted by the petitioner for replacement of the existing auto rickshaw bearing Regn.No.TN-27-1600 plying within Salem Municipality with a new auto rickshaw bearing Regn.No. TN-23-AH-0308.

3. The learned counsel for the petitioner has submitted that though the application was complete in all respects, the respondent simply returned the application without even any order of rejection and therefore, the petitioner is before this Court.

4. If the petitioner's application is defective or want of any particulars, then the respondent should pass an order and return the application and it would be improper for the respondent to merely return the application without even an endorsement as to why it has been returned.

5. Therefore, the writ petition is disposed of with a direction to the petitioner to resubmit the application dated 7.8.2014 along with a copy of this order and the respondent shall consider the same and if all the parameters are satisfied, then appropriate orders shall be passed on merits and in accordance with law for replacing the vehicle. On the other hand, if the application is lacking any particulars or there are any other queries, then the respondent shall pass a speaking order and then return the application. The above exercise shall be completed within a period of two weeks from the date, on which, the application is represented. No costs.

22.11.2016

T.S.SIVAGNANAM,J

RS

Internet : Yes

To
The Secretary, Regional Transport Authority, Salem (West), Salem.

WP.No.40940 of 2016

22.11.2016