

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 02.12.2016

CORAM

THE HONOURABLE Mr.JUSTICE T.S.SIVAGNANAM

WP.No.42425/2016 & WMP.No.36306/2016

G.Venkatesan

..

Petitioner

Vs

1.The Regional Transport Authority,
Ranipet, Vellore District.

2.The Regional Transport Officer
Ranipet, Vellore District.

..

Respondents

Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of certiorari calling for the records of the impugned order of the 1st respondent vide R.No.34752/A4/2014 dated 18.09.2015 and to quash the same and further to direct the respondents to grant the renewal of the contract carriage Auto Rickshaw permit of the petitioner vehicle bearing Regn.No.TN-73-A-5431.

For Petitioner : Mr.S.Govindraman

For Respondent : Mr.S.Navaneetham, AGP

ORDER

Heard Mr.S.Govindraman, learned counsel appearing for the petitioner and Mr.S.Navaneetham, learned Additional Government Pleader appearing on behalf of the respondents and with the consent on either side, the writ petition is taken up for final disposal.

2 This writ petition has been filed seeking to quash the order passed by the 1st respondent dated 18.09.2015 in and by which, the petitioner's application for renewal of auto permit has been rejected as time barred.

3 The petitioner was granted auto permit, which was valid for five years, i.e., for the period from 15.06.2010 to 14.06.2015. Since the period to hold the period had expired, the petitioner filed an application for renewal, however, the same was belated by 53 days. Therefore, the petitioner requested for condonation of the delay and filed a medical certificate dated 23.07.2015. The 1st respondent directed the petitioner to appear in person, and by the impugned order, dated

18.09.2015, rejected the application on the ground that the petitioner's application does not satisfy the provisions of sub section 3 of section 81 of the Motor Vehicles Act, 1988. Section 81[3] of the Act starts with a non obstante clause, notwithstanding anything contained in section 81[2], the Regional Transport Authority, or the State Transport Authority, as the case may be, may entertain an application for the renewal of a permit after the last date specified in sub-section 2, if it is satisfied that the applicant was prevented by good and sufficient cause from making an application within the time specified.

4 The petitioner's case is that, he could not make the application within 15 days from the date of expiry of the permit on account of ill-health and to substantiate the same, he has produced medical certificate.

5 It is to be seen that the 1st respondent has not doubted the genuineness of the medical certificate produced by the petitioner, nor he has recorded any reason as to why he is not satisfied with the medical certificate given, he has only stated that the petitioner's explanation for the delayed application does not satisfy the provisions of section 81[3] of the Act.

6 The impugned order is cryptic and not tenable. Considering the fact that the petitioner has produced medical certificate and the delay is only 53 days, which is not inordinate, this Court is inclined to interfere in the matter and condone the delay.

7 Accordingly, the writ petition is allowed and the impugned order stands quashed. The delay in filing the renewal application is condoned and the 1st respondent is directed to consider the petitioner's renewal application on merits and dispose of the same in accordance with the provisions of the Motor Vehicles Act, 1988. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

AP

To

1.The Regional Transport Authority,
Ranipet, Vellore District.

2.The Regional Transport Officer
Ranipet, Vellore District.

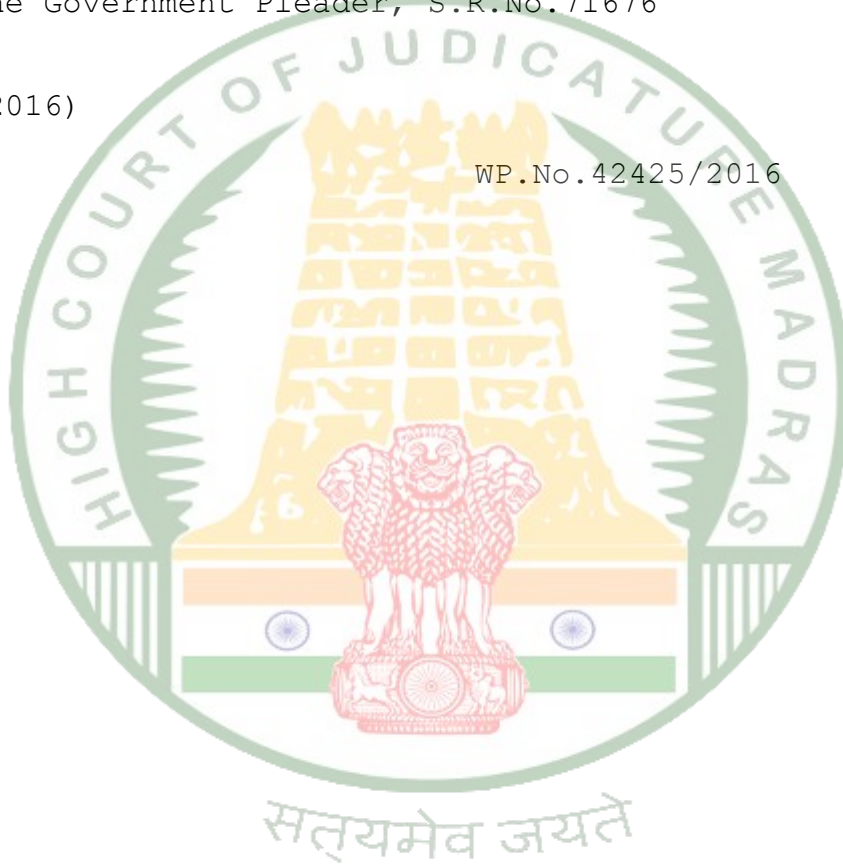
+lcc to Mr.S. Govindaraman, Advocate, S.R.No.71748

+lcc to the Government Pleader, S.R.No.71676

rk(CO)

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WP.No.42425/2016



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