

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.12.2016

CORAM

THE HONOURABLE MR.JUSTICE RAJIV SHAKDHER

W.P.No.42556 of 2016

G.Baskaran

... Petitioner

Vs.

The Regional Transport Officer,
Salem (West) Salem.

... Respondent

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the Respondent herein to receive the application for renewal of Share Autorickshaw Permit in Form PRA dated 21.11.2016 and to consider the same and to pass orders in respect of Autorickshaw bearing Registration No.TN-30-A-5520 in accordance with law.

For Petitioner : Mr.A.Ganesan
For Respondent : Mr.Akhil Akbar Ali
Government Advocate

O R D E R

1.Issue notice. Mr.Akhil Akbar Ali who appears for the respondent i.e., the Regional Transport Officer, Salem (in short RTO) accepts notice. Counsel says, he does not wish to file a reply to the writ petition and will advance arguments on the basis of record filed. Accordingly, with consent of counsels, the writ petition is taken up for final disposal.

2.The prayer made in the petition is to issue a Writ of Mandamus or any other appropriate Writ or order or direction, directing the RTO to receive the petitioner's application for renewal of Share Autorickshaw Permit in Form PRA, dated 21.11.2016 and, to consider the same in respect of Auto Rickshaw bearing Registration No.TN-30-A-5520, albeit, in accordance with law.

3.The petitioner's submission is that he had a valid permit in his favour, the tenure of which expired on 05.07.2016. It is

stated that under Section 81(2) of the Motor Vehicles Act, 1988 (in short, the Act), he had to seek renewal of the permit fifteen days before the date of its expiry. Furthermore, the petitioner avers that under subsection (3) of Section 81 of the said Act, the RTO, if satisfied, that there was a good and sufficient cause for delay, was empowered to accept an application for renewal even after expiry of fifteen days.

4.To buttres this submission, the petitioner also relies upon Rule 193 - A of the Tamil Nadu Motor Vehicle Rules, 1989, whereby, according to the petitioner, an application can be accepted, if it is accompanied with additional fee as prescribed under Rule 79. According to the petitioner, the additional fee payable would be a sum of Rs.100/-.

5.Counsel for the respondent says that if this Court were inclined to condone the delay, the RTO could consider the tenability of the renewal of the application in accordance with law.

6.I have considered the averments made on behalf of the petitioner. The petitioner's case is that he could not approach the RTO within the prescribed time on account of ill health.

6.1.Furthermore, the fact the petitioner had a permit in his favour which expired on 05.07.2016, is borne out from a copy of Form PRA dated 21.11.2016.

7.The writ petition is, thus, disposed of with a direction to the RTO to consider the case of the petitioner for renewal of the permit on merits, without being burdened by the fact that it has been filed after a delay of 148 days. The RTO will examine the original documents, and if, found in order, will renew the permit, in accordance with law, subject to payment of requisite fee and, compliance with extant provisions of law.

8.Needless to say, the aforesaid exercise will be done at the earliest, though, not later than four weeks from the date of receipt of a copy of the order.

9.The writ petition is accordingly closed with the afore said observations. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

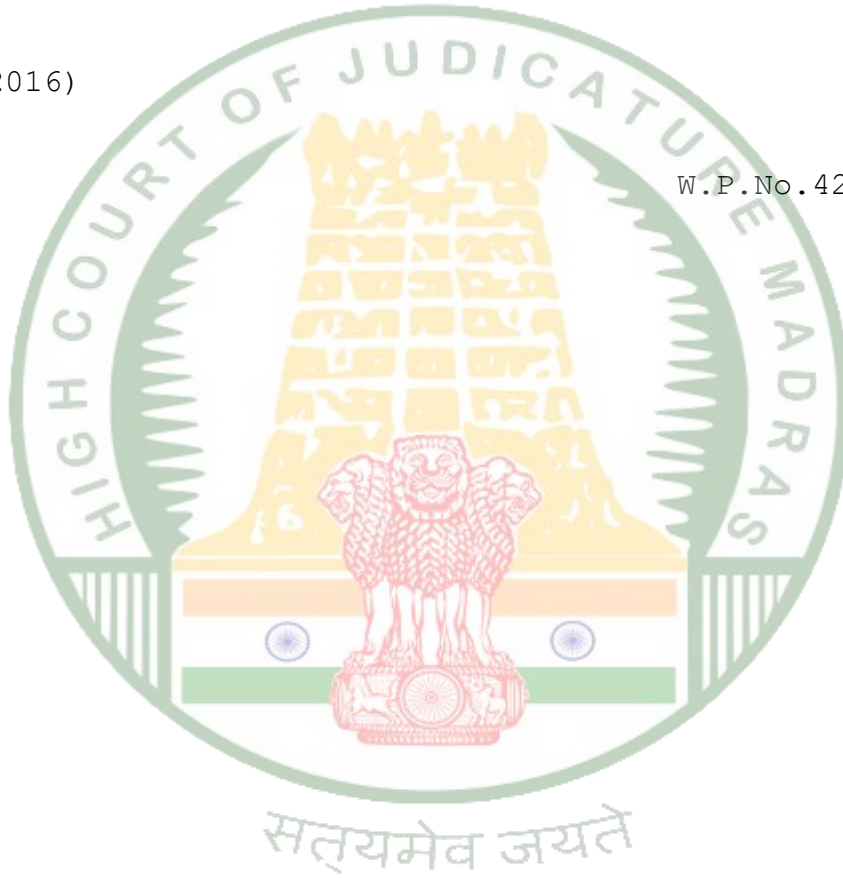
To

1.The Regional Transport Officer,
Salem (West) Salem.

+lcc to Mr.A.Ganesan, Advocate, S.R.No.71597
+lcc to the Government Pleader,
High Court,Madras-104. S.R.No.72070

pk
cg(30/12/2016)

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