

In the High Court of Judicature at Madras

Dated : 17.2.2017

Coram :

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

Writ Petition No.4016 of 2017

L.Mohan

...Petitioner

Vs

1.The District Collector-cum-
Regional Transport Authority,
Vellore District at Ranipet.

2.The Regional Transport Officer,
Ranipettai, Vellore District.

...Respondents

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 first respondent herein in R.No.37351/A4/2016 dated 11.12.2016, quash the same and consequently direct the respondents to consider the petitioner's renewal application dated 05.8.2016 in respect of vehicle auto-rickshaw bearing Regn.No.TN-23 AR 7682 for renewal of permit within a stipulated period.

For Petitioner : Mr.G.Anabayachozhan

For Respondents : Mr.C.Jagadish, SGP

ORDER

Mr.C.Jagadish, learned Special Government Pleader accepts notice for the respondents. Heard both. By consent, the writ petition itself is taken up for final disposal.

2. The petitioner challenges an order passed by the first respondent dated 11.12.2016 rejecting his application for renewal of auto rickshaw permit on the ground that it is beyond the time limit prescribed under the Statute.

3. Section 81 of the Motor Vehicles Act, 1988, prescribes the time limit, within which, the application for renewal has to be submitted. Admittedly, the petitioner's application was time barred. However, the petitioner explained the delay by stating that he had to undergo medical treatment and produced a medical certificate to that effect. In spite of having received the medical certificate, the first respondent rejected the application on the ground that the application for renewal of permit was belated by 162 days and that the explanation of the permit holder was not satisfactory.

4. Though there is an outer time limit fixed under the Statute, the power of the Licensing Authority to condone the delay, when sufficient cause is shown, has been provided for under the Statute. The first respondent does not disbelieve the medical condition of the petitioner, which has been certified by a medical officer attached to the Government Primary Health Centre. Thus, when such a fact has not been disputed, it has to be seen as to whether the petitioner would stand to benefit, if he files an application belatedly.

5. No reasonable person would purposely delay the filing of a renewal application and he will not be benefited on account of the same. Furthermore, there is no allegation of mala fides against the petitioner for submitting the renewal application belatedly. For all the above reasons, this Court is inclined to interfere with the impugned order.

6. Thus, the writ petition is allowed and the impugned order is set aside. The delay in filing the renewal application is condoned and the second respondent is directed to consider the application for renewal on merits and in accordance with law, 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

To

1.The District Collector-cum-Regional Transport Authority,
Vellore District at
Ranipet.

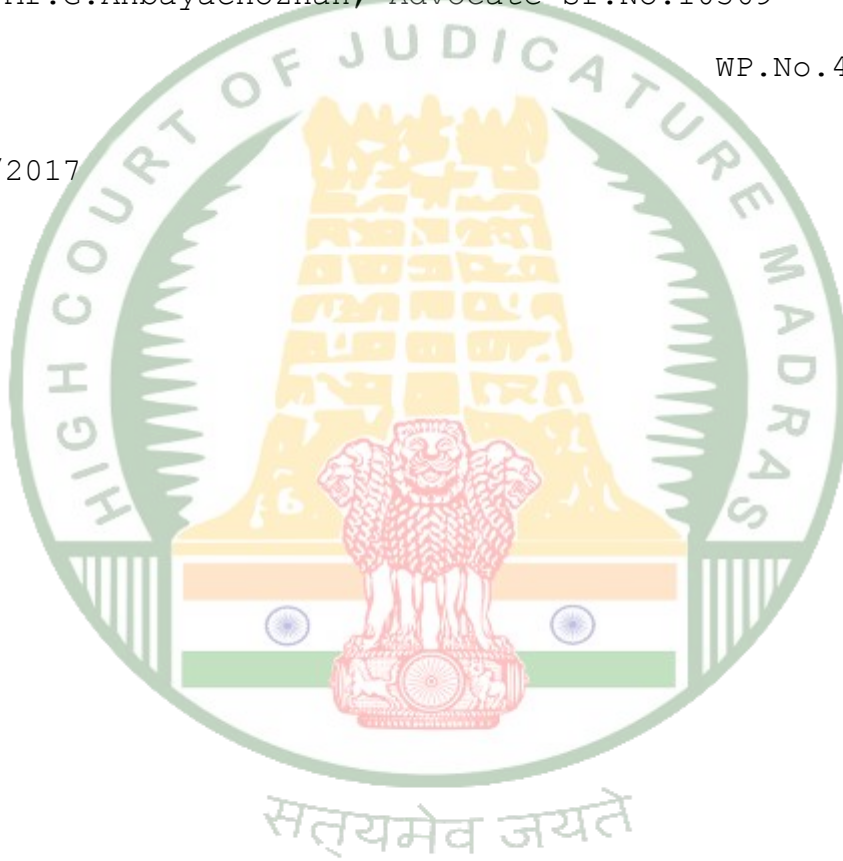
2.The Regional Transport Officer,
Ranipettai, Vellore District.

+ 1 cc to Mr.G.Anbayachozhan, Advocate Sr.No.10369

WP.No.4016 of 2017

SS(CO)

RRI 01/03/2017



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