

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.03.2017

CORAM

THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU

Writ Petition No.7094 of 2017

S.Kalaivani

.... Petitioner

Vs.

Regional Transport Authority
Vellore-9.

...Respondent

Prayer:Writ petition filed under Article 226 of the Constitution of India for issuance of a writ of certiorarified mandamus to call for the records of the respondent relating to the order made in R.No.26850/A5/2015 dated 03.02.2016 and to quash the same and consequently direct the respondent herein to renew the petitioner's Autorickshaw permit in respect of vehicle No.TN-23/BX-5865 as applied for.

For Petitioner : Mr.K.Hariharan

For Respondents : Mr.M.Elumalai,
Government Advocate

ORDER

The petitioner is aggrieved against the order of the respondent rejecting the renewal application filed by the petitioner seeking for renewal of the auto rickshaw permit, on the ground that the same was filed belatedly.

2. Heard the learned counsel appearing for the petitioner and the learned Government Advocate appearing for the respondent.

3. It is not in dispute that the writ petitioner was originally granted auto rickshaw permit and that she made application for renewal of such permit. The only objection raised by the respondent is that the application was filed after the expiry of 15 days time stipulated under the statute for making such application. In other words, it is the contention of the respondent that such application should have been made 15 days prior to the expiry of the original permit. No doubt, the

petitioner has filed her application for renewal after the expiry of such period. But at the same time, the case of the petitioner is that she was unwell at the relevant point of time and therefore, she was not in a position to make her application within the time. In support of such claim, the petitioner has filed Medical Certificate before the respondent and such fact is not disputed by the respondent, as it is evident in the impugned order itself.

4. The respondent, while admitting the factum of enclosing of Medical Certificate by the writ petitioner, seeking for condonation of delay in filing such application, has not stated any convincing reason as to how the respondent is not convinced with the Medical Certificate produced by the petitioner. In other words, the respondent has not doubted the genuineness of the Medical Certificate produced by the petitioner. However, the impugned order came to be passed only by stating that the application was filed belatedly.

5. Needless to say that when the respondent is having power to condone the delay and when the petitioner has also filed Medical Certificate in support of her contention that the application was filed belatedly because of her health reasons, the respondent is not justified in passing the order impugned in this writ petition, mechanically stating that the same is filed belatedly. I find every justification to accept the reasons for condonation.

6. The learned counsel for the petitioner also relied on a decision of this court made in W.P.No.38431 of 2016 dated 04.11.2016, passed under similar circumstances wherein this Court, after condonation of delay, has directed the authority to consider the renewal application on merits.

7. Accordingly, this writ petition is allowed and the impugned order is set aside. The matter is remitted back to the respondent for considering the application filed by the petitioner seeking for renewal of the auto permit and dispose of the same in accordance with the provisions of the Motor Vehicles Act, 1988. Such exercise shall be done by the respondent within a period of three weeks from the date of receipt of a copy of this order. No costs. The connected miscellaneous petition is closed.

s/d-
Assistant Registrar (CS-II)

True Copy

Sub-Assistant Registrar

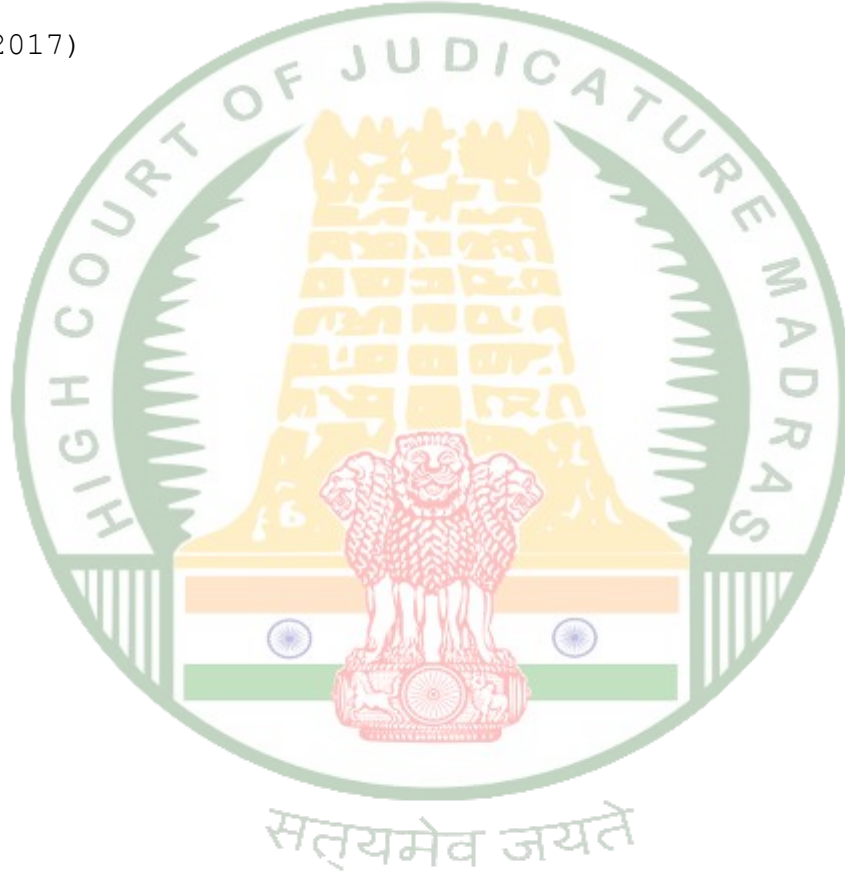
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To
Regional Transport Authority
Vellore-9.

+1cc to Mr.K.Hariharan, Advocate SR.No.18209
+1cc to the Government Pleader SR.No.18670

W.P.No.7094 of 2017

NR(CO)
GN(06/04/2017)



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