

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:11.04.2017

CORAM

THE HON'BLE MR. JUSTICE K. RAVICHANDRABAABU

W.P.No. 8620 of 2017

S. Udhayakumar

...Petitioner

Versus

The Secretary,  
Regional Transport Authority,  
Vellore - 9.

...Respondent

PRAYER: Petition filed under Article 226 of The Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus or any other appropriate writ or order or direction in the nature of a writ calling for the records relating to the order of the respondent made in R.No.A2/03819/2017 dated 08.03.2017 and to quash the same, consequently direct the respondent herein grant the renewal of the Petitioner's Autorickshaw permit as applied for in respect of Vehicle TN-23-AF-4060 forthwith.

For Petitioner : Mr. K. Hariharan

For Respondent : Mr. M. Elumalai,  
Government Advocate.

O R D E R

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 he 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 his application for renewal after the expiry of such period. But at the same time, the case of the petitioner is that he was unwell at the relevant point of time and therefore, he was not in a position to make his application within the time. It is stated that the petitioner has filed Medical Certificate before the respondent.

4. The respondent, while admitting the fact that the reason stated for belated filing was due to the illness of the petitioner, has not stated any reason as to how the respondent is not convinced with such reason. In other words, the respondent has not doubted the illness of 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 is said to have filed Medical Certificate in support of his contention, 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 autorickshaw 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.

-s/d-  
Assistant Registrar

True Copy

Sub-Assistant Registrar

To

The Secretary,  
Regional Transport Authority,  
Vellore - 9.

+1 CC to Mr. K.Hariharan, Advocate sr 21839  
+1 CC to The Govt. Pleader sr 22272

W.P.No. 8620 of 2017

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