

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.03.2017

CORAM:

THE HONOURABLE MR. JUSTICE K.RAVICHANDRABAABU,

Writ Petition No.6997 of 2017

J.Elumalai

.. Petitioner

Vs.

The Secretary,
Regional Transport Authority,
Vellore-9.

... Respondent

PRAYER: Petition filed under Article 226 of the Constitution of India for the issuance of writ of Certiorarified Mandamus, calling for records related to impugned proceeding of the respondent in R.No.A2/67734/2016 dated 08/02/2017 and quash the same, consequently direct the respondent to renew the permit to the petitioner.

For Petitioner : Mr.R.Margabandhu

For Respondent : Mr.C.Jagdish
Special Government Pleader

O R D E R

Mr.C.Jagadish, the learned counsel, takes notice for the respondent and by consent, the main Writ Petition is taken up for final disposal.

2. The petitioner is aggrieved by the order of the respondent, rejecting the renewal application filed by him seeking for the renewal of the Autorickshaw permit.

3. The respondent rejected the application only on the ground that the same was filed belatedly, beyond the period of limitation as prescribed under the Motor Vehicles Act, 1988.

4. It is submitted by the learned counsel for the petitioner that as the petitioner was not well at the relevant point of time, he was not in a position to file the application within the time stipulated and however, when he sought to explain the reason for such delay, the respondent has not considered the same. Therefore, the learned counsel further submitted that if one more opportunity is given to the petitioner, he would file

medical certificate in support of his stand for not filing the application in time.

5. Considering the above facts and circumstances and considering the fact that the petitioner is seeking for renewal of autorickshaw permit, which is to be considered by the respondent on its own merits, I am of the view that the petitioner must be given one more opportunity for satisfying the respondent about the delay in filing such application. Accordingly, the impugned order is set aside and the matter is remitted back for hearing the same on merits after hearing the petitioner on the ground of delay. The petitioner is directed to furnish the supportive medical certificate for not filing the application within the stipulated time.

6. The petitioner shall appear before the respondent within a period of two weeks, from the date of receipt of the copy of this order and produce the documents supporting such delay. On receipt of the same and upon giving the petitioner, an opportunity of hearing, the respondent shall consider the matter and pass orders on the renewal application within a period of two weeks thereafter.

7. No costs. Consequently the Writ Petition No.6997 of 2017 is disposed of with the above direction.

Sd/-
Asst.Registrar (J)

/true copy/

Sub Asst. Registrar

To
The Secretary,
Regional Transport Authority,
Vellore-9.

+1 cc to Mr.R.Margabandhu, advocate, sr.18186

+1 cc to Govt.Pleader, sr.18334.

gj(co)
krd 13/4

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