

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.08.2017

CORAM

The Honourable MR. JUSTICE M.DURAI SWAMY

W.P.No.22147 of 2017

Kombiah Devar

[Petitioner]

Vs

1. The Regional Transport Authority cum
The District Collector,
Tirunelveli District.
2. The Secretary,
The State Transport Appellate Tribunal,
II Floor, City Civil Court Buildings,
Chennai 600 104.

[Respondents]

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of mandamus directing the 2nd respondent to consider the petitioner's appeal filed with delay of 152 days against the impugned order passed by the 1st respondent dated 31.01.2017 cancelling the permit of the petitioner's Mini Bus bearing Registration No.TN 45 N 0126 and Permit No.42/MB/2005 Plies in the route of Thirunelveli District, Kalakkad (Meera Theatre) to MelaSadaiyamaanKulam.

For Petitioner : Mr.S.Silambu Selvan

For Respondents : Mr.S.Diwakar, SGP

ORDER

Mr.S.Diwakar, learned Special Government Pleader takes notice for the respondents. By consent, the main writ petition is taken up for disposal at the admission stage itself.

2. The petitioner has filed the above writ petition to issue a writs of mandamus directing the 2nd respondent to consider his appeal filed with a delay of 152 days as against the order passed by the 1st respondent dated 31.01.2017 cancelling the permit of his Mini Bus bearing Registration No.TN 45 N 0126 in the route of Thirunelveli District, Kalakkad (Meera Theatre) to MelaSadaiyamaanKulam.

3. The learned counsel appearing for the petitioner submitted that since there is a delay of 152 days in filing an appeal as against the order passed by the 1st respondent dated 31.01.2017, the 2nd respondent Tribunal is refusing to receive the appeal papers. Therefore, the 2nd respondent may be directed to receive the papers and the petitioner may be permitted to prosecute the petition filed to condone the delay of 152 days in filing the appeal, in accordance with law.

4. Mr.S.Diwakar, learned Special Government Pleader appearing for the respondents submitted that the 2nd respondent may be directed to receive the papers and decide the petition to condone the delay, in accordance with law.

5. Having regard to the submissions made by the learned counsel on either side, I direct the 2nd respondent to receive the appeal preferred by the petitioner as against the order passed by the 1st respondent dated 31.01.2017, within a petition to condone the delay of 152 days and decide the delay condonation petition, on merits and in accordance with law. It is made clear that the petitioner shall re-present the papers within a period of three days from the date of receipt of a copy of this order.

With the observations, the writ petition is disposed of. No costs.

Sd/-

Asst.Registrar (CS III)

/true copy/

Sub Asst. Registrar

To

1. The Regional Transport Authority cum
The District Collector,
Tirunelveli District.
2. The Secretary,
The State Transport Appellate Tribunal,
II Floor, City Civil Court Buildings,
Chennai 600 104.

+1cc to Mr.S.Silambuselvan, Advocate in sr.no.59703

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MN (CO)
NR 22/08/2017