

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.12.2017

CORAM

THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU

Writ Petition No.33142 of 2017
and
W.M.P.No.36543 of 2017

A.Senthilkumar

..Petitioner

Vs.

1. The Regional Transport Authority,
Krishnagiri.
2. The Regional Transport Officer,
Krishnagiri,
Krishnagiri District. ... Respondents

PRAYER: Writ petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus to call for the records of the respondents in connection with the impugned order issued by the 1st respondent in Proc.R.No.25898/B5/2016 dated 04.11.2016 and quash the same and further direct the respondents to renew the permit of the petitioner's vehicle bearing No.TN-24-E-9032.

For Petitioner: Mr.R.Dhinesh Kumar

For Respondents: Mr.P.V.Selvakumar,
Additional Government Pleader

O R D E R

Mr.P.V.Selvakumar, learned Additional Government Pleader takes notice for the respondents. By consent of the parties, the main writ petition is taken up for final disposal at the admission stage itself.

2. The petitioner is aggrieved against the order of the 1st 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.

3. Heard the learned counsel appearing for the petitioner and the learned Additional Government Pleader appearing for the respondents.

4. 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 1st respondent is that the application was filed after the expiry of the time stipulated under the statute for making such application. In other words, it is the contention of the 1st 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.

5. The 1st 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 1st respondent is not convinced with such reason. In other words, the 1st 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.

6. Needless to say that when the 1st 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 1st 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.

7. The learned counsel for the petitioner also relied on a decision of this Court made in W.P.No.26035 of 2017 dated 05.10.2017, passed under similar circumstances wherein this Court, after condonation of delay, has directed the authority to consider the renewal application on merits.

8 . Accordingly, this writ petition is allowed and the impugned order is set aside. The matter is remitted back to the 1st respondent for considering the application filed by the petitioner seeking for renewal of the auto rickshaw permit and dispose of the same in accordance with the provisions of the Motor Vehicles Act, 1988. Such exercise shall be done by the 1st

respondent within a period of three weeks from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Asst.Registrar (CS II)

/true copy/

Sub Asst. Registrar

vsi

To

1. The Regional Transport Authority,
Krishnagiri.

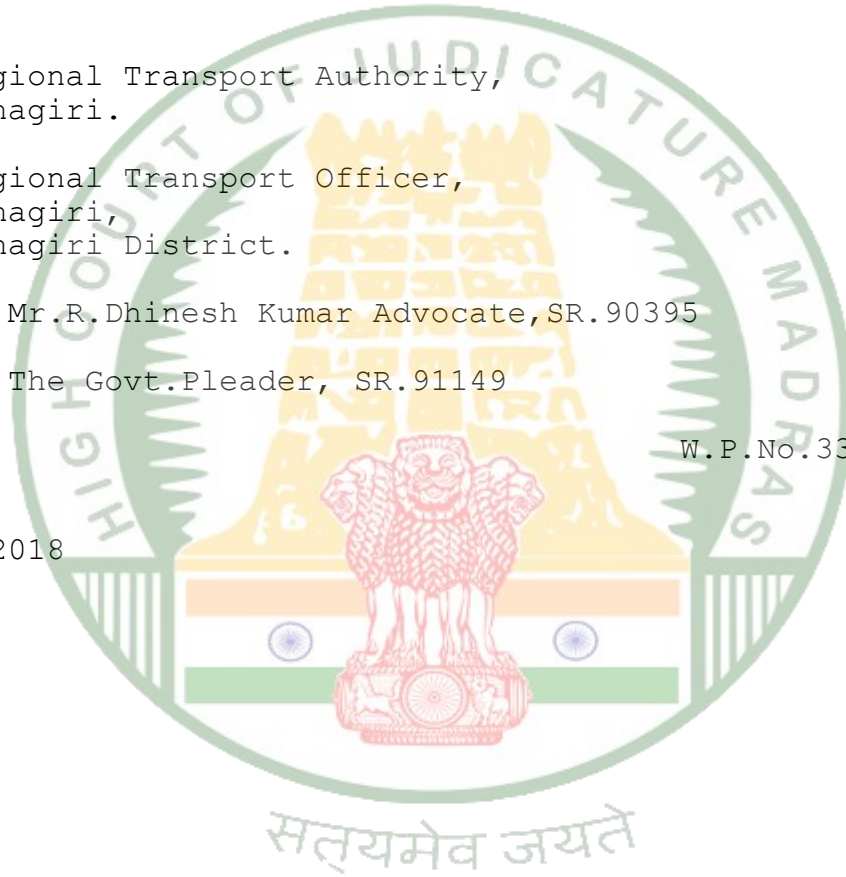
2. The Regional Transport Officer,
Krishnagiri,
Krishnagiri District.

+ 1 cc to Mr.R.Dhinesh Kumar Advocate,SR.90395

+ 1 cc to The Govt.Pleader, SR.91149

W.P.No.33142 of 2017

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