

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.12.2017

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THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU

Writ Petition No.33504 and 33505 of 2017

J.Vijayakumar ..Petitioner in W.P.No.33504 of 2017

C.Gunasekaran ..Petitioner in W.P.No.33505 of 2017

vs.

The Regional Transport Officer,
Salem-East, Salem. ..Respondent in both the W.Ps.

Writ Petitions filed under Article 226 of the Constitution of India seeking issuance of a writ of mandamus directing the respondent herein to receive the applications of the petitioners dated 02.11.2017 in Form CCPA and the prescribed fee for the grant of a Autorickshaw Permit to operate the vehicles within radius of 30 KM distance from Old Bus Stand, Salem and to consider the same.

For Petitioners: Mr.A.Ganesan

For Respondents: Mr.P.V.Selvakumar,

Additional Government Pleader

COMMON ORDER

These writ petitions have been filed seeking issuance of writ of mandamus directing the respondent herein to receive the application of the petitioners dated 02.11.2017 in Form CCPA and the prescribed fee for the grant of a Autorickshaw Permit to operate the vehicles within radius of 30 KM distance from Old Bus Stand, Salem and to consider the same.

2. Mr.P.V.Selvakumar, learned Additional Government Pleader takes notice for the respondent.

3. Learned counsel appearing for the petitioners would submit that the Transport Commissioner issued a circular ten years ago imposing restrictions for the autorickshaw permits while a group of persons made it a profitable business. Subsequently, in the year 2010, the State of Tamil Nadu issued an order to grant permits immediately on applications while the

restrictions imposed earlier stood removed. In spite of the removal of restrictions for grant of autorickshaw permits, the respondent in the writ petitions, has not come forward to consider the application of the petitioners.

4. Section 80 (1) and (2) of the Motor Vehicles Act reads thus:-

"80. Procedure in applying for and granting permits.

(1) An application for a permit of any kind may be made at any time.

(2) A Regional Transport Authority, State Transport Authority or any prescribed authority referred to in sub-section (1) of Section 66 shall not ordinarily refuse to grant an application for permit of any kind made at any time under this Act."

5. On a perusal of the above provision, it is clear that on receipt of any application for permit of any kind made at any point of time, the Regional Transport Officer, State Transport Authority or any prescribed authority referred to in sub-section (1) of Section 66 shall not ordinarily refuse to grant an application for permit and therefore, the respondent is hereby directed to receive the applications of the petitioners in form CCPA along with prescribed fee for grant of autorickshaw permit and consider the same on merits within a period of two weeks from the date of receipt of copy of this order.

6. Since section 80 of the Motor Vehicles Act, 1988 obliges the authority to consider the application for grant of any kind of permit at any point of time, this Court directs the respondent to receive the applications of the petitioners along with requisite fee and consider the same on merits and pass appropriate orders.

7. The writ petitions are disposed of accordingly. No costs.

Sd/-
Assistant Registrar(CS-V)

//True Copy//

Sub Assistant Registrar

vsi

To

The Regional Transport Officer,
Salem-East,
Salem.

+ 2 ccs to Mr.A. Ganesan, Advocate Sr.91826, 91827
+ 1 cc to Government Pleader Sr.92142

W.P.Nos.33504 & 33505 of 2017

(CS-V)
EU(05/01/2018)



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