

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.08.2017

CORAM

THE HON'BLE MR. JUSTICE M.DURAI SWAMY

W.P.No.23168 of 2017 &
W.M.P.Nos.24269 & 24270 of 2017

R.Vinoth Kumar

...Petitioner

v.

1. The Regional Transport Authority
Vellore

2 The Regional Transport Officer
Ranipet
Vellore District

... Respondents

सत्यमेव जयते

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of Certiorarified Mandamus, calling for the records of the impugned order of the 1st respondent's proceedings in R.No.44928/A4/2016, dated 29.11.2016 and to quash the same and further direct the respondents to grant the renewal of permit to the petitioner's Auto Rickshaw bearing Registration No.TN 73 X 1492.

For Petitioner : Mr.S.Govindraman

For Respondents : Mr.R.Venkaesh
Government Advocate

ORDER

Mr.R.Venkaesh, learned Government Advocate, takes notice for the respondents. By consent, the main writ petition itself is taken up for disposal at the admission stage itself.

2. The petitioner has filed the above writ petition to issue a Writ of Certiorarified Mandamus to call for the records of the impugned order of the 1st respondent dated 29.11.2016, to quash the same and further direct the respondents to grant the renewal of permit to his Auto Rickshaw bearing Registration No.TN 73 X 1492.

3. According to the petitioner, he is the holder of a contract carriage Auto Rickshaw permit in respect of vehicle bearing Registration No.TN 73 X 1492. The petitioner applied for the renewal of the permit belatedly with the prescribed fee for the period from

09.08.2015 to 08.08.2021 before the 2nd respondent. As per section 81(2) of the Motor Vehicles Act, the application for the renewal of permit has to be filed 15 days prior to the expiry of the permit. According to the petitioner, the application for renewal submitted belatedly can be entertained even after the period of 15 days, provided he satisfies the authority with regard to the delay in submitting the application for renewal.

4. In the case on hand, there is a delay of 54 days in filing the application for renewal of permit.

5. The 1st respondent conducted enquiry on 30.09.2016 and the petitioner also appeared before the 1st respondent and explained the circumstances for the delay in submitted the application and requested for condonation of delay.

6. By the impugned order dated 29.11.2016, the 1st respondent, rejected the application for renewal stating that the explanation submitted by the petitioner is not satisfied as per Section 81 of Sub Section (3) of M.V. Act, 1988.

7. The learned counsel appearing for the petitioner submitted that the petitioner has produced the Medical Certificate and submitted that he could not make the application within 15 days from the date of expiry of the permit on account of ill health.

8. It is to be seen that neither the 1st respondent has doubted the genuineness of the Medical Certificate produced by the petitioner nor he has recorded any reason as to why he is not satisfied with the Medical Certificate produced by the petitioner.

9. The impugned order is cryptic and not tenable. Considering the fact that the petitioner has produced the Medical Certificate and the delay is only 54 days, which is not inordinate, this court is inclined to interfere in the impugned order dated 29.11.2016.

10. Accordingly, the writ petition is allowed and the impugned order dated 29.11.2016 stands quashed. The delay in filing the renewal application is condoned and the 1st respondent is directed to consider the petitioner's renewal application on merits and dispose of

the same in accordance with the provisions of the Motor Vehicles Act, 1988. No costs. Consequently, connected miscellaneous petitions are closed.

29.08.2017

Index: Yes/No

Rj

To

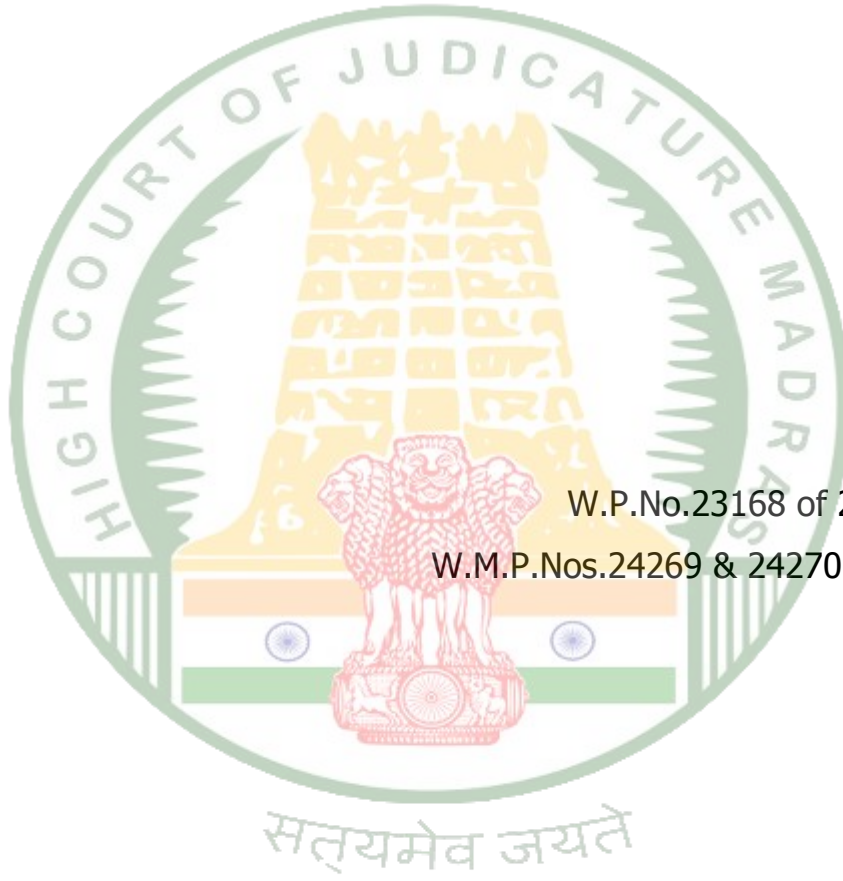
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M.DURAI SWAMY,J.

Rj



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