

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.09.2017

CORAM

THE HON'BLE MR. JUSTICE M.DURAI SWAMY

W.P.No.23607 of 2017

C.Ragavan

... Petitioner

Vs

The Regional Transport Authority
Krishnagiri District

... Respondent

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 made in R.No.17939/B4/2017 dated 27.7.2017 and to quash the same consequently direct the respondent herein grant the renewal of the petitioners Autorickshaw permit as applied for in respect of Vehicle TN-24-S-3154 forthwith.

For Petitioner : Mr.K.Hariharan

For Respondent : Mr.S.Diwakar,
Special Government Advocate

ORDER

Mr.S.Diwakar, learned Special Government Pleader, takes notice for the respondent. 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 respondent dated 27.7.2017 and to quash the same and consequently direct the respondent to grant the renewal of his Autorickshaw permit, as applied for, in respect of Vehicle TN-24-S-3154 forthwith.

3. According to the petitioner, he is the holder of a contract carriage Auto Rickshaw permit in respect of vehicle bearing Registration No.TN-24-S-3154. The permit of the vehicle was valid upto 15.04.2016. Due to illness, the petitioner could not submit the renewal application in time and on 12.05.2017, the petitioner applied for the renewal of the permit belatedly, enclosing the medical certificate. 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 ever 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 1 year and 42 days in filing the application for renewal of permit.

5. The respondent conducted enquiry on 03.07.2017 and the petitioner also appeared before the respondent and explained the circumstances for the delay in submitted the application and requested for condonation of delay.

6. By the impugned order dated 27.07.2017, the 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 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 1 year and 42 days, this court is inclined to interfere in the impugned order dated 27.07.2017.

10. Accordingly, the writ petition is allowed and the impugned order dated 27.07.2017 stands quashed. The delay in filing the renewal application is condoned and the 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.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

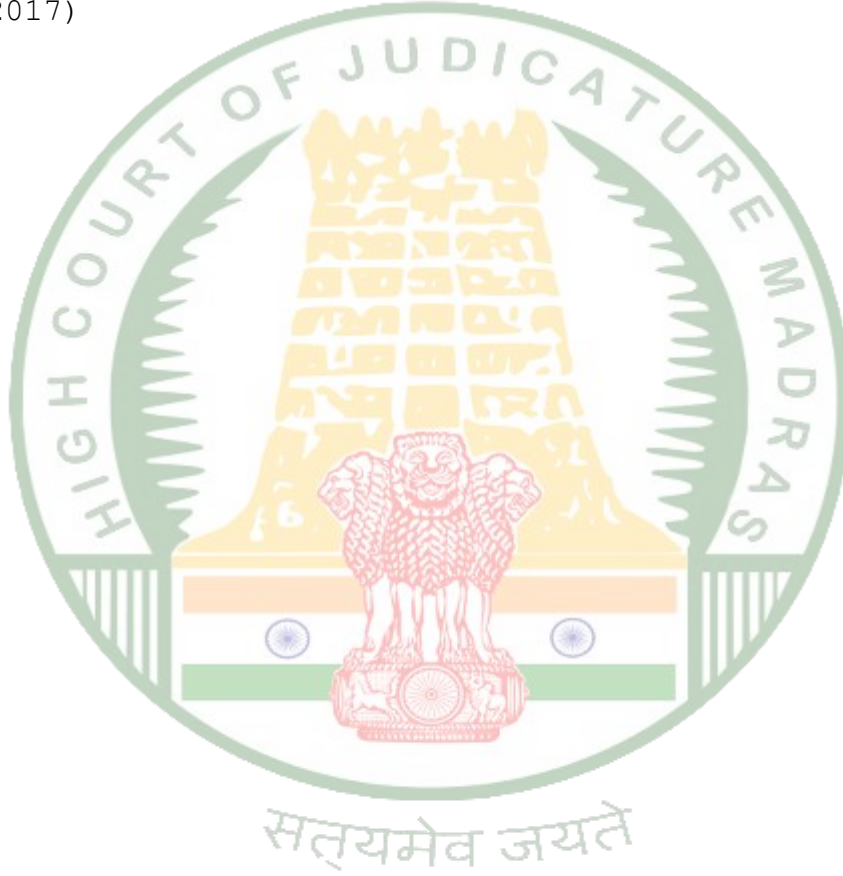
To

The Regional Transport Authority
Krishnagiri District.

+1cc to Mr.K.Hariharan, Advocate, S.R.No.63514
+1cc to the Government Pleader, S.R.No.64103

W.P.No.23607 of 2017

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