

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.06.2017

CORAM

THE HON'BLE MR.JUSTICE K.RAVICHANDRABAABU

WP.No.13885 of 2017

P.Sundar

... Petitioner

Vs.

The Secretary,
Regional Transport Authority,
Vaniyambadi, Vellore District.

... Respondent

Prayer:

Writ petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, directing the respondent herein to entertain the Petitioner's returned application dated 20.06.2014 for renewal of Autorickshaw Permit in respect of Vehicle Number TN-23/AQ-8286.

For Petitioner: Mr.K.Hariharan

For Respondent : Mr.C.Jagadish
Special Government Pleader

O R D E R

Mr.C.Jagadish, learned Special Government Pleader takes notice for the respondent. By consent, the main writ petition itself is taken up for final disposal.

2. The petitioner seeks for a mandamus, directing the respondent to entertain the petitioner's returned application dated 20.06.2014 for renewal of autorickshaw permit in respect of the vehicle No.TN 23 AQ-8286.

3. Heard the learned counsel appearing for the petitioner and the learned Special Government Pleader appearing for the respondent.

4. It is not in dispute that the petitioner was originally granted auto rickshaw permit and that he made application for renewal of such permit. The only objection raised by the 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 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 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 respondent is not convinced with such reason. In other words, the respondent has not doubted the illness of the petitioner. However, the application of the petitioner was returned by the respondent only by stating that the application was filed belatedly.

6. Needless to say that when the 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 respondent is not justified in returning the application of the petitioner, 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.38431 of 2016 dated 04.11.2016, 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 matter is remitted back to the respondent for receiving and considering the application dated 20.06.2014 of the petitioner seeking for renewal of the autorickshaw permit and dispose of the same in accordance with the provisions of the Motor Vehicles Act, 1988. Such exercise shall be done by the respondent within a period of three weeks from the date of receipt of a copy of this order. No costs.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

mk

To

The Secretary,
Regional Transport Authority,
Vaniyambadi, Vellore District.

+lcc to Mr.K.Hariharan, Advocate Sr.40150

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srg 12/06/2017



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