

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.06.2017

CORAM

THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU

Writ Petition Nos.15515 & 15516 of 2017

Kombiah Devar

... Petitioner
(in W.P.Nos.15515 & 15516 of 2017)

Vs.

1. The Regional Transport Authority cum
The District Collector,
Tirunelveli District.
2. The Secretary,
The State Transport Appellate Tribunal,
2nd Floor, City Civil Court Buildings,
Chennai - 600 104.
3. The Motor Vehicle Inspector (Grade-I),
Motor Licensing Office,
Unit Office,
Tirunelveli.
4. The Motor Vehicle Inspector (Grade-I),
Motor Licensing Office,
Unit Office,
Vallior - 627 117.

... Respondents
(in W.P.Nos.15515 & 15516 of 2017)

Common Prayer:

Writ petition Nos.15515 & 15516 of 2017, filed under Article 226 of the Constitution of India, for issuance of a Writ of Mandamus, directing the 2nd respondent to consider the petitioner's Appeal filed with delay of 128 days against the impugned order passed by the 1st respondent dated 31.01.2017 cancelling the permit of petitioner's Mini Bus bearing Registration Nos. TN 45 N 0126 and Permit No.42/MB/2005 & TN 59 N 0299 and Permit No.14/MB/2005 respectively Plies in the route of Tirunelveli District, Kalakkad (Meera Theatre) to Melasadayamaan Kulam, respectively.

For Petitioner : Mr.S.Silambu Selvan
(in W.P.Nos.15515 & 15516 of 2017)

For Respondents : Mr.M.Elumalai,
Government Advocate
(in W.P.Nos.15515 & 15516 of 2017)

C O M M O N O R D E R

Mr.M.Elumalai, learned Government Advocate, takes notice on behalf of the respondents. By consent of the parties, the main writ petitions are taken up for final disposal at the admission stage itself.

2. The petitioner seeks for the following relief :

" to direct the 2nd respondent to consider the petitioner's Appeal filed with delay of 128 days against the impugned order passed by the 1st respondent dated 31.01.2017 cancelling the permit of petitioner's Mini Bus bearing Registration Nos. TN 45 N 0126 and Permit No.42/MB/2005 & TN 59 N 0299 and Permit No.14/MB/2005 Plies in the route of Tirunelveli District, Kalakkad (Meera Theatre) to Melasadayamaan Kulam"

2. The grievance of the petitioner is that there is a delay of 128 days in filing the appeal before the second respondent as against the order passed by the first respondent dated 31.01.2017 cancelling the permit of the petitioner's Mini bus bearing Registration Nos. TN 45 N 0126 and TN 59 N 0299.

3. Upon hearing the learned counsel for the petitioner, it is seen that the petitioner has not yet filed the appeal before the second respondent and on the other hand has chosen to come before this Court only with an apprehension that his appeal will be rejected on the ground of delay. I don't think that the petitioner is justified in approaching this Court, even before filing an appeal before the second respondent. Needless to say that a question of consideration or returning or rejecting the appeal by the second respondent would arise only when the petitioner files such appeal before the said authority. Without doing so, filing of the present writ petition is highly a pre-matured attempt.

4. Therefore, these writ petitions are disposed of, by granting liberty to the petitioner to approach this Court, as and when it is required, after filing the appeal before the

second respondent as against the order passed by the first respondent dated 31.01.2017. No costs.

Sd/-
Assistant Registrar(J)

//True Copy//

Sub Assistant Registrar

mk/ms

To

1. The Regional Transport Authority cum
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Tirunelveli District.
2. The Secretary,
The State Transport Appellate Tribunal,
2nd Floor, City Civil Court Buildings,
Chennai - 600 104.
3. The Motor Vehicle Inspector (Grade-I),
Motor Licensing Office,
Unit Office,
Tirunelveli.
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Unit Office,
Vallior - 627 117.

+2 ccs to M/s.Silambu Selvan Advocate sr 43493

W.P.Nos.15515 & 15516 of 2017

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