

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:03.04.2017

CORAM

THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU

W.P.No.41686 of 2016

M.Chandra

... Petitioner

vs.

1.The Regional Transport Authority,
Vellore.

2.The Secretary,
Regional Transport Authority,
Vellore.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus to call for the records pertaining to the proceedings of 1st respondent regarding the rejection of the Renewal application, R.No.039658/A2/2015 dated 30.03.2016 and to quash the same.

For Petitioner : Mrs.S.Radha Gopalan

For Respondents : Mr.Akhil Akbar Ali,
Government Advocate

O R D E R

This writ petition is filed challenging the order of the first respondent dated 30.03.2016 rejecting the request of the petitioner for renewal of mini bus permit on two reasons, namely, that the same was filed belatedly with 32 days delay and that the fitness certificate of the said vehicle expired on 30.09.2010.

2. Heard the learned counsel for the petitioner and the learned Standing Counsel for the respondents.

3. The petitioner is the owner of the minibus bearing Registration No.TN-33-L-1855. The permit granted to the said bus expired on 13.11.2015. The petitioner made an application for renewal on 11.06.2015, when the due date for submission of the application for renewal fell on 09.05.2015. Thus, there was a delay of 32 days. The delay was sought to be explained by the petitioner citing her ill health. The first respondent rejected the said reason simply by stating that it is an afterthought and therefore, it cannot be accepted.

4. I do not think that the first respondent can simply reject the above said health reason for condoning the delay by stating that it is an afterthought, without there being any justifiable reasons or materials for such conclusion. Considering the fact that the delay is only 32 days, the respondent ought not to have rejected the application on such ground. No doubt, the respondent has also rejected the application on another ground which is on the merits of the matter.

5. Learned counsel appearing for the petitioner submitted that the first respondent is not justified in rejecting the application on the reason of want of permit which is not the reason available under Section 81 of the Motor Vehicles Act 1988, while considering the application for renewal.

6. This Court, at this stage, is not expressing any view on the rival contention of the parties, as this Court is inclined to remit the matter back to the respondent for considering the matter afresh. Accordingly, the writ petition is allowed and the impugned order is set aside and the matter is remitted back to the 1st respondent for considering the renewal application of the petitioner on merits and in accordance with law. It is open to the petitioner to raise all the contentions as raised in this writ petition before the 1st respondent. The 1st respondent shall give personal hearing to the petitioner and pass orders on the renewal application, on merits and in accordance with law, within a period of four weeks from the date of receipt of a copy of this order. No costs.

Sd/-

Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

vsi

To

1.The Regional Transport Authority,
Vellore.

2.The Secretary, Regional Transport Authority,
Vellore.

+lcc to M/s.Radha Gopalan, Advocate SR.No.20207

+lcc to Government Pleader SR.No.20223

W.P.No.41686 of 2016

SKV(CO)

GN(07/04/2017