

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.03.2017

CORAM

The Honourable Mr.JUSTICE K.RAVICHANDRABAABU

W.P.No.44187 of 2016
and
W.M.P.No. 38032 of 2016

A. Kumaresan ...Petitioner

Vs.

1.The Regional Transport Authority,
Ranipet,
Vellore District.

2.The Regional Transport Officer,
Ranipet,
Vellore District. ...Respondents

Prayer:Writ petition filed under Article 226 of the Constitution of India for issuance of a writ of certiorarified mandamus to call for the records of the impugned order of the first respondent vide R.No.5610/A4/2015 dated 25.05.2015 and to quash the same and further to direct the respondents to grant the renewal of the contract carriage Auto Rickshaw permit of the petitioner vehicle bearing Registration No.TN-73-7774.

For Petitioner : Mr.S.Govindraman

For Respondents : Mr.C.Jagdish
Special Government Pleader

O R D E R

The petitioner is aggrieved against the order of the first respondent rejecting the renewal application filed by the petitioner seeking for renewal of the auto rickshaw permit, on the ground that the same was filed belatedly.

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

3.It is not in dispute that the writ petitioner was originally granted auto rickshaw permit and that he made application for renewal of such permit. The only objection raised by the first respondent is that the application was filed after the expiry of 15 days time stipulated under the statute for making such application. In other words, it is the contention of the first 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. In support of such claim, the petitioner has filed Medical Certificate before the first respondent and such fact is not disputed by the first respondent, as it is evident in the impugned order itself.

4. The first respondent, while admitting the factum of enclosing of Medical Certificate by the writ petitioner, seeking for condonation of delay in filing such application, has not stated any reason as to how the first respondent is not convinced with the Medical Certificate produced by the petitioner. In other words, the first respondent has not doubted the genuineness of the Medical Certificate produced by the petitioner. However, the impugned order came to be passed only by stating that the application was filed belatedly.

5. Needless to say that when the first respondent is having power to condone the delay and when the petitioner has also filed Medical Certificate in support of his contention that the application was filed belatedly because of his health reasons, the first respondent is not justified in passing the order impugned in this writ petition, mechanically stating that the same is filed belatedly. I find every justification to accept the reasons for condonation.

6.The learned counsel for the petitioner also relied on a decision of this court made in W.P.No.18324 of 2015 dated 08.06.2016, passed under similar circumstances wherein this Court, after condonation of delay, has directed the authority to consider the renewal application on merits.

7.Accordingly, this writ petition is allowed and the impugned order is set aside. The matter is remitted back to the respondent for considering the application filed by the petitioner seeking for renewal of the auto permit and dispose of

the same in accordance with the provisions of the Motor Vehicles Act, 1988. Such exercise shall be done by the first respondent within a period of three weeks from the date of receipt of a copy of this order. No costs. The connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(J)

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Sub Assistant Registrar

vri

To

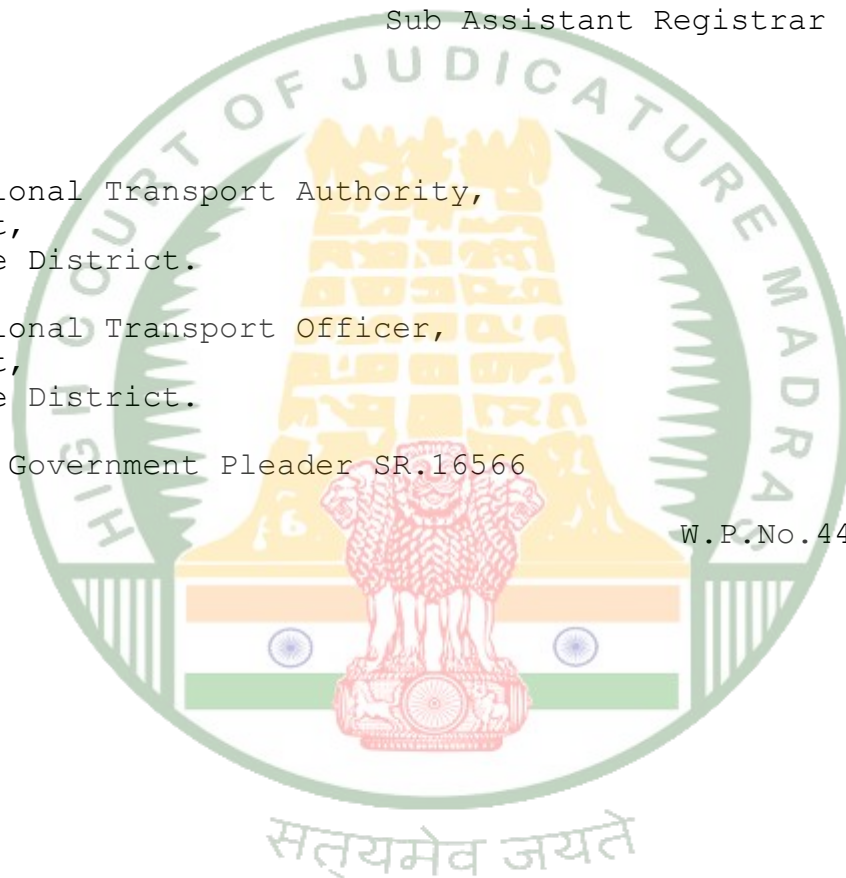
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2.The Regional Transport Officer,
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+ 1 cc to Government Pleader SR.16566

W.P.No.44187 of 2016

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