

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 02.01.2017

Coram

The Honourable Mr.JUSTICE RAJIV SHAKDHER

W.P.No.44568 of 2016

E.Selvavinayagam

.... Petitioner

Vs.

The Secretary,
Regional Transport Authority-cum-
Regional Transport Officer,
Chennai-North,
Chennai-600 099.

..... Respondent

Prayer : Writ Petition filed under Article 226 of The Constitution of India praying for the issuance of Writ of Mandamus directing the respondent to accept the petitioner's application dated 20.07.2016 for the grant of renewal of permit in respect of Auto Rickshaw vehicle bearing Registration No.TN 05 AF 7740, with reference to the N.Dis.72784/B2/16, dated Nil.8.2016 and to consider the same and to pass orders in accordance with law.

* * *

For Petitioner : Mr.S.Govindraman

For Respondent : Mr.C.Jagadish,
Special Government
Pleader (Taxes)

O R D E R

1. Issue notice. Mr.C.Jagadish, learned Special Government Pleader (Taxes), accepts notice on behalf of the respondent.

1.1. With the consent of counsels for parties, the writ petition is taken up for hearing and final disposal.

2. The limited relief that the petitioner seeks is consideration of his application for renewal of permit, in respect of the vehicle bearing Registration No.TN 05 AF 7740.

3. It is the petitioner's stand that the permit to run the aforementioned vehicle was valid till 16.12.2015. Counsel for the petitioner concedes that the petitioner could not apply for renewal within the time frame of 15 days, as prescribed under Section 81(2) of the Motor Vehicles Act, 1988 (in short 'the 1988 Act').

3.1. It is, however, the stand of the petitioner that under Section 81(3) of the 1988 Act, the respondent has the power to condone the delay, upon sufficient cause being shown.

4. Learned counsel for the petitioner says that the petitioner was not well, and therefore, could not prefer the application within the prescribed time-frame.

4.1. A perusal of paragraph 4 of the affidavit accompanying the writ petition shows that the petitioner, admittedly, was not able to produce a medical certificate, or, any other material to demonstrate that he had taken ill. Quite clearly, therefore, the respondent could not have taken recourse to provision under Section 81(3) of the 1988 Act.

4.2. Learned counsel for the petitioner says that if, an opportunity is given, the petitioner will file a fresh representation along with the necessary material.

5. In these circumstances, the writ petition is disposed of with a direction that the petitioner will have liberty to file a representation with the respondent. Along with the representation, the petitioner will file necessary material to demonstrate reasons for the delay in filing the application for renewal of permit. Upon such a representation being filed, the respondent will dispose of the same, with due expedition, though, not later than two (2) weeks of receipt of the representation.

5.1. This leeway will be available to the petitioner for a period of two (2) weeks from the date of receipt of a copy of the order.

6. Resultantly, the captioned writ petition is disposed of. There shall, however, be no order as to costs.

Sd/-

Asst.Registrar

/true copy/

gg

Sub Asst. Registrar

To
The Secretary,
Regional Transport Authority-cum-
Regional Transport Officer,
Chennai-North,
Chennai-600 099.

+lcc to Mr.S.Govindaraman, Advocate sr.683

+lcc to The Government Pleader sr.439

Writ Petition No.44568 of 2016

lrs(co)
ss(30/01/2017)