

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 21-08-2018

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P.No.4004 of 2017

G.Poongavanam

.. Petitioner

Vs.

1.The Secretary,
Regional Transport Authority,
Cuddalore,
Cuddalore District.

2.The Registry,
State Transport Appellate Tribunal,
High Court of Madras Campus,
Chennai-600 104.

..Respondents

PRAYER: Writ petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the second respondent to process the appeal filed by the petitioner by condoning the delay of two days in filing the appeal.

For Petitioner : Mr.S.Sundaresan for Ms.S.Ambigai.
For Respondent-1 : Mr.R.S.Selvam, Government Advocate.
For Respondent-2 : Tribunal

O R D E R

The relief sought for in this writ petition is for a direction to direct the second respondent to process the appeal filed by the writ petitioner by condoning the delay of two days in filing the appeal and pass orders.

2. The learned counsel, appearing on behalf of the writ petitioner, states that the appeal preferred by the writ petitioner in respect of the claim of the writ petitioner for Mini Spare Bus has not been considered by the first respondent in view of the fact that there is a delay of two days in preferring an appeal.

3. The learned Government Advocate, appearing on behalf of the first respondent, states that the writ petitioner is not entitled for any relief as there is no merit.

4. May that it be. If an appeal is filed before the Appellate Authority, the person, who filed, is entitled for a hearing and the said appeal is to be decided on merits in accordance with law.

5. Undoubtedly, the learned Government Advocate for the first respondent states that the writ petitioner is not entitled for any relief. However, the same is to be decided by appropriate adjudication by the Appellate Authority and by providing an opportunity to the writ petitioner to present his case.

6. This apart, the delay of two days may not be a ground to reject the appeal preferred by the writ petitioner and the appeal is to be condoned.

7. In this view of the matter, the second respondent is directed to receive the appeal from the writ petitioner and number the same and adjudicate on merits in accordance with law and pass orders, without causing any further delay.

8. Accordingly, the writ petition stands disposed. However, there shall be no order as to costs.

-s/d-
Deputy Registrar

True Copy

Sub-Assistant Registrar

Svn
To

1. The Secretary,
Regional Transport Authority,
Cuddalore,
Cuddalore District.

2. The Registry,
State Transport Appellate Tribunal,
High Court of Madras Campus,
Chennai-600 104.

+1 CC to Mr.S. Ambigai, Advocate sr 58128.
+1 CC to govt. Pleader sr 57639.

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SP(03/09/2018)