

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.08.2018

CORAM

THE HONOURABLE Mr.JUSTICE V.BHARATHIDASAN

W.P.No. 23167 of 2017

and

W.M.P.Nos.24267, 24268 & 24375 of 2017

C.Raman Petitioner

Vs

1.The Regional Transport Authority
Vellore.

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

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India, praying to issue Writ of Certiorrified Mandamus to call for the records of the impugned order of the 1st respondent vide Na.Ka.No.46821/A4/2016 dated 04.10.2016 and the impugned order of the 2nd respondent in Memo No.46821/A4/2014 dated 27.04.2017 in revoking the sanction of renewal of permit and to quash the same and direct the respondents to grant the renewal of permit to the petitioner's auto rickshaw bearing Registration No.TN 73 Z 6102.

For Petitioner :Mr.S.Govindraman

For Respondents :Mr.A.N.Thambidurai
Special Government Pleader

O R D E R

This writ petition has been filed challenging the order passed by the second respondent regarding the renewal of permit.

2. According to the petitioner, he is owning an Auto Rickshaw bearing registration No.TN 73 Z 6102 and he has applied for renewal of permit with the prescribed fee. He has also paid the Motor Vehicles Tax for the period from 09.10.2014 to 08.10.2019 along with Green Tax etc. The

vehicle was also duly covered with the Insurance Certificate and the petitioner has also submitted all the originals before the second respondent office along with the application in the year 2014. Subsequently, the first respondent also granted renewal of permit from 13.10.2014 to 12.10.2019. While renewing the permit, the first respondent instructed the petitioner to produce all the valid records of the vehicle within a period of four months otherwise, the sanction accorded will be revoked under Rule 194 of the Tamilnadu Motor Vehicle Rules. Thereafter, the petitioner approached the second respondent and reminded them about the records of the vehicle submitted along with the application in the year 2014 and requested them to return the records after making endorsement for the renewal. Thereafter, a certificate of fitness was also renewed and an endorsement was also made on 22.06.2016 by the second respondent. Thereafter, the first respondent has passed the impugned order on 04.10.2016 revoking the renewal of permit on the ground that the petitioner had failed to produce valid records within the prescribed time. Thereafter, the petitioner sent a detailed representation dated 10.04.2017 before the second respondent for issuance of renewal of permit. But, the second respondent passed an order dated 27.04.2017 and rejected the representation of the petitioner and also returned the records of the vehicle. Now, challenging both the orders, the present Writ Petition has been filed.

3. The respondents filed a counter affidavit stating that the petitioner has submitted his application for renewal of permit belatedly by 23 days and he has also enclosed the medical certificate. Thereafter, an enquiry was conducted on the petitioner's application dated on 25.11.2014 and the petitioner has also appeared in person and submitted his reasons for the delay and also paid the additional sum of Rs.100/- for the belated payment of submission of the application and the delay was also condoned by the Regional Transport Authority, and renewal was sanctioned by an order dated 25.05.2015 for a period of 5 years from 30.10.2014 to 12.10.2019 under Section 81(3) of Motor Vehicle Act 1988. At that time, the petitioner was instructed to produce valid records within a period of four months from the date of receipt of the proceedings, otherwise, the sanction accorded will be revoked under Section 194(1) of the Tamil Nadu Motor Vehicles Rules 1989 without any further notice. Despite the receipt of the notice, the petitioner did not produce any records within a period of four months as directed by the authorities. Subsequently, petitioner produced the records on 27.09.2016, after lapse of four months. In the said circumstances, the permit has been revoked, as, the petitioner's request cannot

be complied with as per Rule 194(1) of the Tamil Nadu Motor Vehicle Rules 1989.

4. The learned counsel appearing for the petitioner submitted that along with the application, the petitioner has submitted all the relevant records, but, without considering the same, the authorities has passed the impugned order and he has also made a representation on 10.04.2017 before the second respondent mentioning about the same, but without considering his representation, the impugned order has been passed.

5. The learned Special Government Pleader, appearing for the respondents submitted that since the petitioner had failed to produce the relevant records within the prescribed time, the authorities have no other option, attempt to revoke the permit granted to him.

6. I have considered the rival submissions and perused the materials available on record.

7. The impugned order has been passed only on the ground that the petitioner has not produced the relevant records within four weeks as required under Rule 194(1) of the Motor Vehicles Act.

8. Considering the submission of the learned counsel for the petitioner that along with his application he has produced all the relevant certificates before the second respondent, but without considering the same, the impugned order has been passed and he has also further submitted that he is not ready and willing to submit all the relevant records and the authorities may be directed to consider the same and pass orders.

9. Considering the fact that there is a dispute regarding submission of original records as required by the authorities. Considering the fact that as permit has already been renewed and it is only a delay in submitting the relevant records, the petitioner is permitted to submit his original records afresh and the respondents are directed to consider the same and pass suitable orders.

10. Hence, the impugned orders passed by the respondents are set aside and the petitioner is directed to appear before the first respondent and submit all the relevant records required by the authorities within a period of two weeks from the date of receipt of a copy of this order. Thereafter, the first respondent is directed to consider the petitioner's application and pass suitable orders on merits and in accordance with law within a period of four weeks after giving opportunity to the petitioner.

11. With the above directions, this Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CS viii)

//True Copy//

Sub Assistant Registrar

mrp/rst

To

- 1.The Regional Transport Authority
Vellore.
- 2.The Regional Transport Officer,
Ranipet,
Vellore District.

+1 CC TO GOVERNMENT PLEADER SR.NO. 59322

+1cc to Mr.S.Govindraman , Advocate SR.No. 52519

W.P.No. 23167 of 2018

ASK(10/10/2018)



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