

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.05.2018

CORAM:

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

W.P.No.11467 of 2018

V.L.Narendrakumar
Petitioner

Vs

..

The Regional Transport Authority,
Chennai-North Region,
Chennai-600 102.
Respondent

..

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus to call for the records of the impugned order of the respondent, vide Na.Ka.No.E2/97519/2017, dated 25.01.2018 and to quash the same and further to direct the respondent to grant the renewal of contract carriage auto rickshaw permit of the petitioner in respect of vehicle bearing Registration No.TN-02-AC-6376.

For petitioner : Mr.S.Govindraman

For respondents : Mr.S.N.Parthasarathy, Govt. Advocate

ORDER

The petitioner has filed the above Writ Petition praying for issuance of a Writ of Certiorarified Mandamus to call for the records of the impugned order of the respondent, vide Na.Ka.No.E2/97519/2017, dated 25.01.2018 and to quash the same and further direct the respondent to grant the renewal of contract carriage auto rickshaw permit of the petitioner in respect of vehicle bearing Registration No.TN-02-AC-6376.

2. According to the petitioner, he is a holder of contract carriage auto rickshaw permit in respect of vehicle No.TN-02-AC-6376 and the said permit expired on 04.10.2017. The fitness certificate of the vehicle expired on 25.08.2017. Since the petitioner was ill and undergone treatment, he could not apply for renewal of the permit in time. Hence, he has filed the renewal application with 86 days delay. Under Section 81(2) of the Motor Vehicles Act, the application for renewal of permit should be filed within 15 days prior to the expiry of permit. Hence, the concerned authority dismissed the application.

Therefore, the petitioner has filed the above Writ Petition for the relief stated supra.

3. Learned counsel for the petitioner submitted that the delay in filing the renewal application is neither wilful nor wanton on the part of the petitioner, but only due to illness, and he also produced necessary medical certificate in support of his application. The authority, without considering the same, has dismissed the application.

4. Learned Government Advocate appearing for the respondent seriously objected for renewal of the application with delay of 86 days as no sufficient reason is stated for the same.

5. Considering the fact that the petitioner was ill and took treatment, he could not file the application in time and taking into account that the delay is only 86 days, I am inclined to allow the writ petition. Hence, the impugned order is set aside and the respondent is directed to pass orders on the said renewal application on merits and in accordance with law, within a period of two weeks from the date of receipt of a copy of this order.

6. With the above observations and direction, the writ petition is disposed of. No costs. Consequently W.M.Ps. are closed.

s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

pvs / cs

To

The Regional Transport Authority,
Chennai-North Region,
Chennai-600 102.

+1 CC to Mr.S.Govindraman, advocate sr 33023.

W.P.No.11467 of 2018

SP(08/05/2018)