

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.05.2018

CORAM:

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

W.P.No.11657 of 2018

C.Raguraman
Petitioner

..

Vs

The Secretary,
Regional Transport Authority,
Vellore-9.
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 relating to the order of the respondent made in R.No.A2/46776/2017, dated 22.03.2018 and to quash the same and consequently direct the respondent herein to renew the autorickshaw permit of the petitioner as applied for in respect of vehicle TN-23/AL/4342 forthwith.

For petitioner : Mr.K.Hariharan
For respondents : Mr.R.Udayakumar, AGP

ORDER

The petitioner has filed the above Writ Petition praying for issuance of a Writ of Certiorarified Mandamus to call for the records relating to the order of the respondent made in R.No.A2/46776/2017, dated 22.03.2018 and to quash the same and consequently direct the respondent herein to renew the autorickshaw permit of the petitioner as applied for in respect of vehicle TN-23/AL/4342.

2. According to the petitioner, he is a driver cum owner of autorickshaw bearing registration No.TN-23-AL-4342 and permit expired on 09.02.2016. 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 538 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 538 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, hence, 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.

s/d-
Assistant Registrar (CS-V)

True Copy

Sub-Assistant Registrar

pvs / cs
To

The Secretary,
Regional Transport Authority,
Vellore-9.

+1 CC to Mr.K.Hariharan, Advocate sr 33039.

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SP(08/05/2018)