

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.06.2018

CORAM

THE HONOURABLE MR. JUSTICE T.RAJA

W.P.No.15184 of 2018

M.Kaleem

... Petitioner

Vs.

1.The Secretary,
Regional Transport Authority,
Tiruvannamalai.

2.The Regional Transport Authority,
Tiruvannamalai.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus directing the 1st respondent to receive the returned Application and circulate the file to the 2nd respondent to consider and pass orders on the petitioner's application dated 25.04.2018 for the grant of Mini Bus Permit for the route "Mansurabad to Avalurpet Church" forthwith.

For Petitioner : Mr.K.Hariharan

For Respondents: Mr.V.Jayaprakash Narayanan
Special Government Pleader

O R D E R

This Writ Petition has been filed seeking for issuance of Writ of Mandamus directing the 1st respondent to receive the returned Application and circulate the file to the 2nd respondent to consider and pass orders on the petitioner's application dated 25.04.2018 for the grant of Mini Bus Permit for the route "Mansurabad to Avalurpet Church" forthwith.

2.The learned counsel appearing for the petitioner submitted that the petitioner's father Mahaboob Basha was holding Mini Bus permit for the route "Mansurabad to Avalurpet Church". Due to his old age, he forgot to pay the Motor Vehicle Tax for the quarter ending 30.09.2014, as a result of which the respondents have cancelled the permit. Subsequently, the petitioner's father had paid the arrears along with penalty and obtained No Tax Due Certificate from the respondents on 01.08.2016. Even after payment of arrears, the permit remained cancelled and the people travelling in that route faced difficulty and hence, they have given representations to the 2nd respondent to resume the Mini Bus service in the said route. The petitioner had also given fresh application for grant of Mini Bus permit on 25.04.2018. But

the 1st respondent, without forwarding the same to the 2nd respondent for fixing personal hearing as contemplated under Section 80 proviso and to pass statutory order under Section 72(1) of the Motor Vehicles Act, 1988, returned the original application on 27.04.2018 stating that as the earlier permit in the same route has been cancelled, fresh permit to the same route cannot be granted. Hence, the petitioner has filed this Writ Petition seeking a direction to the 1st respondent to receive the petitioner's application and forward the same to the 2nd respondent for necessary action.

3.The learned Special Government Pleader appearing for the respondents sought time to consider the case of the petitioner.

4.This Court considers the case of the petitioner as a fit case where the application should be taken on file and needful should be done.

5.In view of the above, the Writ Petition is allowed. The 1st respondent is directed to receive the application of the petitioner forthwith and forward the same to the 2nd respondent. On receipt of the report from the 1st respondent, the 2nd respondent shall consider the application of the petitioner within a period of four weeks. No costs.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

va

To

1.The Secretary,
Regional Transport Authority, Tiruvannamalai.

2.The Regional Transport Authority, Tiruvannamalai.

+ 1 cc to MR. K. Hariharan, Advocate Sr.39392
+ 1 cc to Mr. Government Pleader Sr.40423

W.P.No.15184 of 2018

BS(CO)
EU(04/07/2018)