



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.03.2018

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE **G.R.SWAMINATHAN**

W.P.(MD) No.17103 of 2016

P.Shahul Hameed

...Petitioner

Vs.

1.

1. The District Collector,
Regional Transport Authority,
Collectorate Building,
Thanjavur District.

2. The Regional Transport Officer,
Office of the Regional Transport Officer,
Thanjavur District.

...Respondents

PRAYER: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the Impugned Order passed by the 1st respondent in R.No. 32607/A2/2006, dated 28.10.2006 and quash the same as illegal and consequently direct the 1st respondent to reconsider the petitioner's renewal application dated 11.06.2006 in respect of Mini Bus bearing Registration No. TCA- 0149 plying on the route Budalur to Chellapanpettai Ayyanarkovil.

For Petitioner : Mr.P.Gunasekaran

For Respondents : Mr.J.Gunaseelan Muthaiah
Additional Government Pleader**ORDER**

Heard the learned counsel on either side.

2.The writ petitioner's application was rejected on the ground that he was in default in the matter of payment of tax. The above said order was passed by the first respondent on 28.10.2006. It is now conclusively established by the writ petitioner that on the said date, he paid both the tax amount as well as 50% penalty. The same is duly permissible under the relevant rules also.

<https://hcservices.courtsgov.in/hcservices/> Printed out by the learned counsel for the writ petitioner that the impugned order itself was communicated several



years later and that too after obtaining an undertaking that the petitioner would not file any case against the respondents.

4. Filing a writ petition under Article 226 of the Constitution of India is a right of the citizen. Therefore, even though such an undertaking was given by the writ petitioner, the same cannot be put against him. This Court is of the view that the impugned order is unsustainable.

5. The order impugned in this writ petition is quashed and the first respondent is directed to re-consider the renewal application submitted by the writ petitioner in respect of the mini bus bearing Registration No.TCA-0149 plying on the route Budalur to Chellappanpettai Ayyanarkovil and pass appropriate order on merits and in accordance with law within a period of four weeks from the date of receipt of a copy of this order. Accordingly, the writ petition is allowed. No costs.

Sd/-
Assistant Registrar(CO)

/True Copy/

Sub Assistant Registrar

To

1. The District Collector, Regional Transport Authority,
Collectorate Building, Thanjavur District.
2. The Regional Transport Officer,
Office of the Regional Transport Officer,
Thanjavur District.

+ 1 cc TO Mr.P.Gunasekaran , Advocate in SR No. 59183

mm

AE/JC/SAR3/23.05.2018/2P/4C

W.P. (MD) No.17103 of 2016
28.03.2018