



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved on: 30.07.2019	Pronounced on: 06.08.2019
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Coram::

The Honourable Dr.Justice G.Jayachandran

Writ Petition No.8422 of 2019

P.Murugan,
S/o.Periyasamy,
No.3/28-4, Navathi,
Mathigiri Post,
Hosur Taluk - 635 110,
Krishnagiri District.

... Petitioner

/versus/

The Regional Transport Officer,
Hosur,
Krishnagiri District.

... Respondent

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue Writ of Mandamus, directing the respondent herein to receive the application of the petitioner, dated 15.02.2019, in Form CCPA and the prescribed fee along with a New Vehicle Invoice for the grant of a Autorickshaw Permit in respect of Autorickshaw bearing Engine Number AK4LJ4X00032, Chassis No.MD6M14LA5J4215437 to operate the said vehicle within radius of 30 K.M distance from Hosur Bus Stand, Hosur and to consider the same.

For Petitioner : Mr.A.Ganesan

For R1 : Mr.N.Inbanathan,
Additional Government Pleader

O R D E R

Heard the Learned Counsel for the Petitioner and the Learned Counsel for the respondent.

2. The petitioner herein had purchased an Autoriskshaw to use it as a public carriage. Therefore he approached the Office of the Regional Transport Officer, Krishnagiri, for grant of Autoriskshaw permit to operate the vehicle within 30 K.M radius distance from Hosur Bus Stand, Hosur. In spite of receiving the applications and the fees, the respondent has not

processed the application but orally informed to him that the Transport Commissioner, State Transport Authority, has instructed not to issue fresh Autorickshaw permit. Since the refusal to grant Autorickshaw Permit infringes the fundamental rights of Trade and Profession, the present Writ Petition is filed on the ground that the respondent cannot refuse permission to grant Autorickshaw permit contrary to Section 80 of the Motor Vehicles Act. Where there is no notification issued by the State Government under Section 74(3) of the Motor Vehicles Act, grant of permit cannot be restricted.

3. In the counter, the respondent has stated that earlier the Regional Transport Authority, Krishnagiri District, has passed Temporary Ban order for the grant of new Autorickshaws permits from 01.06.2008 to 25.7.2014. The said ban was subsequently lifted and permit were issued. Thereafter, pursuant to the objections received from Tamil Nadu State Transport Corporation, Autorickshaws Drivers Welfare Association, Stage Carriages/Mini Buses Operators Association and the public, alleging fringing of passengers by the Auto driver and hurdles of parking of auto causing inconvenience to the public, the Regional Transport Authority, Krishnagiri, has temporarily banned the issuance of Autorickshaws permit exercising its power under Rule 165 of the Tamil Nadu Motor Vehicles Rules - 1989.

4. Further, it is also stated by the Learned Additional Government Advocate for the respondent that in Krishnagiri town, there are around 18 Auto Stands and adequate number of Autorickshaws already plying on the road. After lifting the ban on 25.07.2014, 15 permits per month for each Regional Transport Office, Krishnagiri and Hosur was sanctioned upto 30.08.2015. The said restriction was to prevent over flow of Autorickshaws and thereafter considering the representation, objections and the vehicular strength of 3311 Autorickshaws, 184 Town buses, 1704 Educational Institution Buses and 181 Private Service Vehicles operating within Krishnagiri District. It was decided by the Regional Transport Authority to stop grant of permit for Autorickshaws.

5. The said decision has been taken by the Regional Transport Authority, Krishnagiri, along with the Secretary of the respective Regional Transport Office at Krishnagiri and Hosur on 24.08.2016. In view of the changed circumstances, fresh assessment of requirement in Autorickshaws has to be carried on by the respondent. The Hosur Town being an Industrial town with expanding populations and infrastructures, the assessment made in the year 2016 cannot hold good for the year 2019. Therefore, the 1st respondent is hereby directed to convene meeting of the stakeholders and take assessment of the

vehicular requirement for the public and pass appropriate order of granting Autorickshaw permit for the applicants.

6. Insofar as the case of the petitioner is concerned, the respondent is directed to consider the application of the petitioner and pass appropriate orders, within a period of 8 weeks, from the date of receipt of a copy of this order.

7. With the above observations, the Writ Petition is disposed of. No Costs.

Sd/-

Assistant Registrar (CS-)

//True Copy//

Sub Assistant Registrar

bsm

To,

The Regional Transport Officer,
Hosur,
Krishnagiri District.

+1cc to the Government Pleader, S.R.No.67552

GP(CO)
CB(12/09/2019)

Pre-delivery order in
Writ Petition No.8422 of 2019

सत्यमेव जयते

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