

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.04.2019

CORAM

THE HON'BLE MR. JUSTICE D. KRISHNAKUMAR

W.P.No.12870 of 2019

S.Gunaseelan

... Petitioner

Vs.

The Regional Transport Officer,
Salem-East,
Salem.

...Respondent

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondent herein to receive the application of the petitioner, dated 12.04.2019, in Form CCPA and the prescribed fee for the grant of a Autorickshaw Permit to operate the vehicle within radius of 30 K.M. radius from Old Bus Stand, Salem and to consider the same and to pass orders in accordance with law.

For Petitioner : Mr.A.Ganesan

For Respondent : Mr.R.Neelakandan,
Government Advocate

सत्यमेव जयते
O R D E R

The petitioner has filed the Writ Petition praying to issue a WRIT OF MANDAMUS, directing the respondent herein to receive the application of the petitioner, dated 12.04.2019, in Form CCPA and the prescribed fee for the grant of a Autorickshaw Permit to operate the vehicle within radius of 30 K.M. radius from Old Bus Stand, Salem and to consider the same and to pass orders in accordance with law.

2.The learned counsel appearing for the petitioner brought to the notice of this Court by relying upon the decision of this Court in a Writ Petition in W.P.No.7176 of 2019 dated 26.03.2019 and the relevant paragraphs are extracted as under:

"2.According to the learned counsel for the petitioner, the petitioner approached the respondent and requested to receive the application dated 04.03.2019, in Form CCPA and the prescribed fee to operate the vehicle within 30 K.M. radius distance from the Salem Town Bus Stand, Salem District. So far no order has been passed and the respondent has not entertained the application. There is no prescribed fee for the grant of autorickshaw permit. Therefore, the respondent refused to receive the said application as illegal and the same is without any justification.

3.The learned Special Government Pleader appearing for the respondents would submit that under Section 81(2) of the Motor Vehicle Act, the authorities have to consider the said application, which is in proper format and to pass order. Therefore, the respondent cannot refused to entertain the said application submitted by the petitioner.

4.Therefore, this Court is inclined to direct the respondents to receive the petitioner's application along with the request and to consider the same in accordance with law, as expeditiously as possible, within a period of twelve weeks, from the date of receipt of a copy of this order.

5.With the above observations, this Writ Petition stands disposed of. However, there shall be no order as to costs."

3.The learned Government Advocate appearing for the respondent would submit that the petitioner's representation will be considered in the light of the earlier order passed by this Court in W.P.No.7176 of 2019 dated 26.03.2019.

4.By considering the above said submissions and the order passed by this Court in W.P.No.7176 of 2019, this Court is inclined to direct the petitioner to submit his application, within a period of one week, from the date of receipt of a copy of this order. On receipt of the said application, the authority concerned shall consider the same and pass orders on

merits and in accordance with law, within a period of eight weeks, thereafter.

5.With the above said direction, this Writ Petition stands disposed of. However, there shall be no order as to costs.

Sd/-
Deputy Registrar

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Sub Assistant Registrar

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To

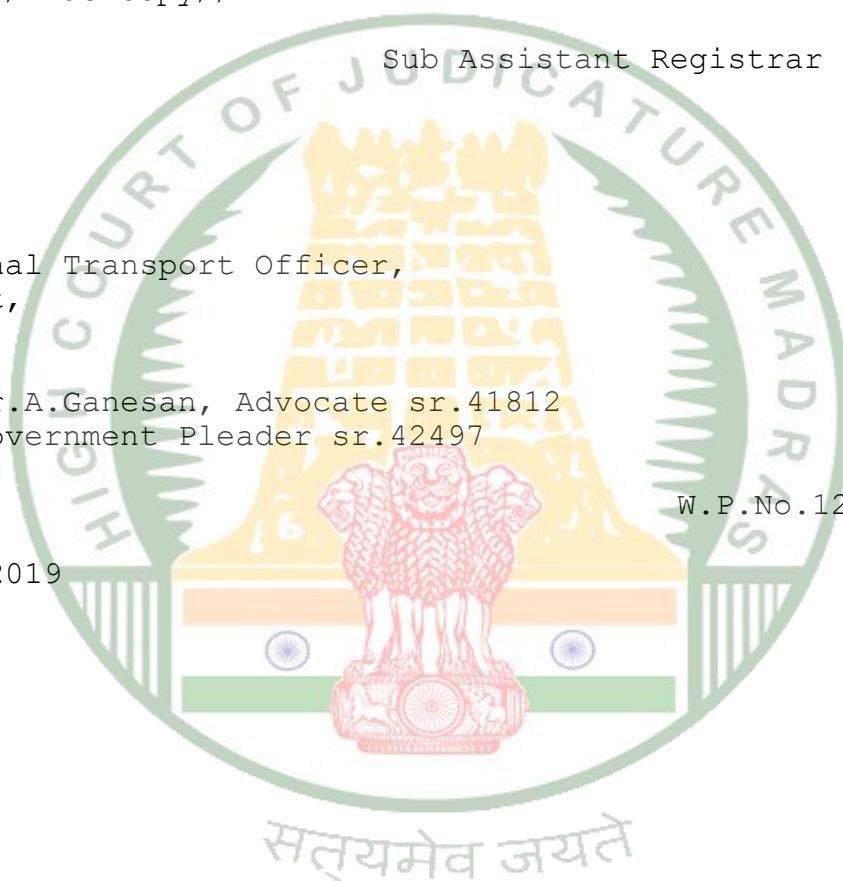
The Regional Transport Officer,
Salem-East,
Salem.

+1cc to Mr.A.Ganesan, Advocate sr.41812

+1cc to Government Pleader sr.42497

W.P.No.12870 of 2019

nr 26/06/2019



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