

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.01.2019

CORAM:

THE HON'BLE MR.JUSTICE V.BHARATHIDASAN

W.P.No.30508 of 2018

R.Poulin

... Petitioner

Vs.

The Regional Transport Officer,
Chennai North West,
Chennai-102.

... Respondent

PRAYER : Petition filed under Article 226 of the Constitution of India, praying to issue a writ of Certiorarified MANDAMUS, to call for the records of the order passed by the respondent vide his proceedings in Se.Mu. Order number:19028/A4/2017 dated 11.05.2018 and quash the same, subsequently direct the respondent to renew the contract carriage permit of the petitioner's vehicle bearing Registration No.TN-02-AQ-8650.

For Petitioner : Mr.K.Subash

For Respondent : Mr.R.Govindasamy
Special Government pleader

सत्यमेव जयते
O R D E R

This writ petition has been filed Challenging the order passed by the respondent rejecting the application for renewal of permit of the petitioner's vehicle TATA ACE MAGIC bearing Registration No.TN-02-AQ-8650.

2.According to the petitioner, the petitioner is the owner of TATA ACE MAGIC bearing Registration No.TN-02-AQ-8650. Earlier, the petitioner applied for renewal of his contract carriage permit to his vehicle along with necessary fees with the respondent, but the respondent refused to receive the same. Aggrieved over the said refusal, the petitioner filed a writ petition in W.P.No.6005 of 2017, before this Court and this

Court by order dated 13.03.2017, directed the respondent to receive the petitioner's application and pass orders on the same on merits in accordance with law within a period of 8 weeks. Pursuant to the above said order, the respondent sent a communication to the petitioner to produce his vehicle documents within a period of three months. As the petitioner did not file the same within three months after expiry of the permit, his application was rejected as the application is barred by limitation. Now, challenging the order passed by the respondent, the present writ petition has been filed.

3. According to the petitioner, before expiry of the licence, the vehicle got repair and he was not able to renew the contract carriage permit and hence he was not able to file the application in time. The learned counsel appearing for the petitioner submitted that as per Section 81(3) r/w 193(A) of the Tamil Nadu Motor Vehicles Act, the respondent has power to condone the delay, but without considering the petitioner's application, the respondent has rejected the same.

4. Mr. R. Govindasamy, the learned Special Government Pleader submitted that since the application has been filed beyond the period of limitation, the reason for the delay is not properly explained by the petitioner and considering the said circumstances, the impugned order has been passed.

5. I have heard the rival submissions and perused the materials available on records.

6. As rightly contended by the learned counsel appearing for the petitioner that the respondent has power to condone the delay in filing the application, on payment of late fees and also giving sufficient reason for the delay. In the instant case, the petitioner has given valid reason for condoning the delay in filing the application, without considering the same, the respondent has rejected the application. In similar circumstances, this Court has held that unless there is any malafide intention on the part of the applicant in filing the petition belatedly, the application cannot be rejected, merely on the ground of delay.

7. Considering the above facts and circumstances of the case, I am inclined to set aside the impugned order dated 11.05.2018 with a direction to the petitioner to submit a fresh application to the respondent for renewal along with late fees and on receipt of the same, the respondent is directed to consider the renewal application and renew the contract carriage of the petitioner's vehicle within a period of the four weeks from the date of receipt of a copy of this order.

8.With the above direction, this writ petition is disposed of. No costs.

Sd/-
Assistant Registrar(CS-IV)

//True copy//

Sub Assistant Registrar

rrg

To

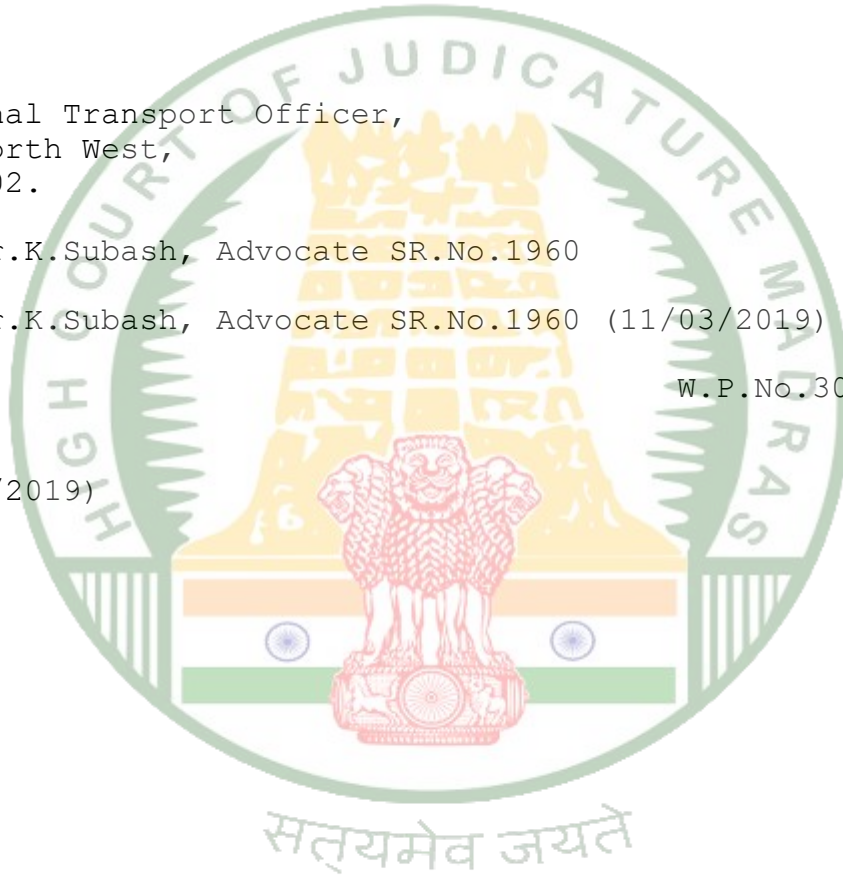
The Regional Transport Officer,
Chennai North West,
Chennai-102.

+1cc to Mr.K.Subash, Advocate SR.No.1960

+1cc to Mr.K.Subash, Advocate SR.No.1960 (11/03/2019)

W.P.No.30508 of 2018

GJ(CO)
GMY(21/02/2019)



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