

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 06.11.2020

CORAM

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

W.P.No.15867 of 2020

C.Nallachi

.. Petitioner

Vs

The Regional Transport Office,
Salem West, Salem.

.. Respondent

Prayer: Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Mandamus directing the respondent herein to receive the application of the petitioner dated 01.10.2020 in Form CCPA and the prescribed fee for the grant of an Autorickshaw Permit to operate the vehicle within radius of 30 K.M. Distance from Salem Town Bus Stand, Salem and to consider the same.

For Petitioner : Mr.A.Ganesan

For Respondents : Mr.E.Balamurugane,
Spl.Govt. Pleader

ORDER

This writ petition has been filed for the issue of writ of mandamus directing the respondent to receive the application given by the petitioner on 01.10.2020 in Form CCPA for grant of permit to operate the Auto rickshaw from Salem town bus stand.

2. The case of the petitioner is that a restriction was imposed on the grant of Auto rickshaw permits in the year 2010. Thereafter, the Government of Tamilnadu issued orders to grant permits on receipt of the applications and thereby, the restrictions were removed. The petitioner went to the office of the respondent and submitted a application in the prescribed form for grant of Auto rickshaw permit in order to operate the vehicle within 30 k.m. radius from the Salem town bus stand. The grievance of the petitioner is that the respondent refused to receive the application and also the fees. Aggrieved by the same, the present writ petition has been filed before this Court.

3. Heard the learned counsel for the petitioner and the learned counsel for the respondent.

4. A similar issue came up before this Court in J.Vijayakumar Vs. C.Gunasekaran in W.P.Nos. 33504 and 33505 of 2017. This Court passed an order on 21.12.2017. The relevant portion in the order is extracted hereunder:

"3.Learned counsel appearing for the petitioners would submit that the Transport Commissioner issued a circular ten years ago imposing restrictions for the Auto rickshaw permits while a group of persons made it a profitable business. Subsequently, in the year 2010, the State of Tamil Nadu issued an order to grant permits immediately on applications while the restrictions imposed earlier stood removed. Inspite of the removal of restrictions for grant of Auto rickshaw permits, the respondent in the writ petitions, has not come forward to consider the application of the petitioners.

4.Section 80 (1) and (2) of the Motor Vehicles Act reads thus:-

"80. Procedure in applying for and granting permits.

(1) An application for a permit of any kind may be made at any time.

(2) A Regional Transport Authority, State Transport Authority or any prescribed authority referred to in sub-section (1) of Section 66 shall not ordinarily refuse to grant an application for permit of any kind made at any time under this Act."

5.On a perusal of the above provision, it is clear that on receipt of any application for permit of any kind made at any point of time, the Regional Transport Officer, State Transport Authority or any prescribed authority referred to in sub-section (1) of Section 66 shall not ordinarily refuse to grant an application for permit and therefore, the respondent is hereby directed to receive the applications of the petitioners in form CCPA along with prescribed fee for grant of Auto rickshaw permit and consider the same on merits within a period of two weeks from the date of receipt of copy of this order.

6. Since section 80 of the Motor Vehicles Act, 1988 obliges the authority to consider the application for grant of any kind of permit at any point of time, this Court directs the respondent to receive the applications of the petitioners along with requisite fee and consider the same on merits and pass appropriate orders."

5. It is clear from the above order that on receipt of any application for permit, the RTO should not ordinarily refuse to grant permit. Therefore, this Court directed the concerned RTO to receive the application from the petitioners therein in Form CCPA along with the prescribed fee and consider the same on merits. A similar direction can also be issued in the present writ petition.

6. In the result, this writ petition is disposed of with a direction to the respondent to receive the application of the petitioner in Form CCPA along with the prescribed fee for grant of Auto rickshaw permit and consider the same on its own merits, within a period of two weeks from the date of receipt of copy of this order. No costs.

-Sd/-

Assistant Registrar (CS)

// True Copy //

Sub Assistant Registrar

msr

To

The Regional Transport Office,
Salem West, Salem.

+ 1 C.C. to MR.A.GANESAN, Advocate SR.NO.36165

+ 1 CC TO Government Pleader, HIGH COURT, MADRAS SR.NO. 36338

W.P.No.15867 of 2020

VG [CO]
RR 19/12/2020