

IN THE HIGH COURT OF JUDICATURE

DATE: 18.11.2020

CORAM

THE HON'BLE MR.JUSTICE N.ANAND VEKNATESH

W.P.No.16176 of 2020

M.Senthilkumar

... Petitioner

Vs.

Regional Transport Authority
Vellore
District.

... Respondent

PRAYER: Writ Petition filed under Section 226 of the Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus calling for the records relating to order of the respondent made in R.No.60638/A2/2019 dated 30.1.2020 and to quash the same. Consequently direct the respondent herein to grant the renewal of petitioner's Auto rickshaw permit in respect of vehicle number TN-23/AH-2824, as applied for.

For petitioner : Mr.K.Hariharan
For respondents : Mr.Manigopi
Government Advocate

ORDER

On consent given by either side of the learned counsel, the main Writ Petition has been taken up for final hearing.

2.This Writ Petition has been filed, challenging the impugned proceedings of the respondent dated 30.01.2020 in R.No.60638/A2/2019, wherein, the respondent has rejected the application submitted by the petitioner seeking for renewal of permit with respect for the Auto Rickshawon the ground that the application was submitted with a delay.

3.Heard Mr.Hariharan, learned counsel appearing for the petitioner and Mr.Manigopi, learned Government Advocate appearing on behalf of the respondent.

4.The issue involved in the present Writ Petition is covered by the earlier orders passed by this Court. It will be more

beneficial to rely upon the order passed by this Court in W.P.No.16399 of 2017 dated 30.06.2017. The relevant portion of the order is extracted hereunder:-

"4.It is not in dispute that the writ petitioner was originally granted auto rickshaw permit and that he made application for renewal of such permit. The only objection raised by the respondent is that the application was filed after the expiry of the time stipulated under the statute for making such application. In other words, it is the contention of the respondent that such application should have been made 15 days prior to the expiry of the original permit. No doubt, the petitioner has filed his application for renewal after the expiry of such period. But at the same time, the case of the petitioner is that he was unwell at the relevant point of time and therefore, he was not in a position to make his application within the time. It is stated that the petitioner has filed Medical Certificate before the respondent.

5.The respondent, while admitting the fact that the reason stated for belated filing was due to the illness of the petitioner, has not stated any reason as to how the respondent is not convinced with such reason. In other words, the respondent has not doubted the illness of the petitioner. However, the impugned order came to be passed only by stating that the application was filed belatedly.

6.Needless to say that when the respondent is having power to condone the delay and when the petitioner is said to have filed Medical Certificate in support of his contention, the respondent is not justified in passing the order impugned in this writ petition, mechanically stating that the same is filed belatedly. I find every justification to accept the reasons for condonation.

7.The learned counsel for the petitioner also relied on a decision of this Court made in W.P.No.13884 of 2017 dated 06.06.2017, passed under similar circumstances wherein this Court, after condonation of delay, has directed the authority to consider the

renewal application on merits.

8. Accordingly, this writ petition is allowed and the impugned order is set aside. The matter is remitted back to the respondent for considering the application filed by the petitioner seeking for renewal of the autorickshaw permit and dispose of the same in accordance with the provisions of the Motor Vehicles Act, 1988. Such exercise shall be done by the respondent within a period of three weeks from the date of receipt of a copy of this order. No costs."

5. The petitioner is entitled to get the benefit of the above order, since the petitioner is also similarly placed.

6. In the result the impugned proceedings of the respondent dated 30.01.2020 in R.No.60638/A2/2019 is hereby quashed. The matter is remitted back to the file of the respondent, with a direction to the respondent, to consider the application filed by the petitioner seeking for renewal of Auto Rickshaw permit in respect of vehicle number TN-23/AH-2824, on merits and strictly in accordance with law and final orders shall be passed within a period of four weeks from the date of receipt of a copy of this order.

This Writ Petition is allowed with the above direction. No costs.

s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

To

The Regional Transport Authority, Vellore District.

+1 CC to Mr.K.Hariharan, Advocate sr 36882.

Writ Petition No.16176 of 2020

SSD(CO)
SP(24/11/2020)