



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.11.2020

CORAM:

THE HON'BLE MR JUSTICE ABDUL QUDDHOSE

W.P.(MD)No.16191 of 2020

(Through Video Conference)

WEB COPY

S.Bharathi

... Petitioner

Vs.

The Regional Transport Officer,
Regional Transport Office,
Madurai North, Melur Road,
Madurai 625 007

... Respondent

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondent to consider the petitioner's representation dated 23.10.2020 and consequently direct the respondent to issue new and fresh three wheeler auto rickshaw permit in favour of the petitioner herein to be used for contract carriage purposes.

For Petitioner : Mr.S.Parthasarathy

For Respondents : Mr.C.Ramesh,
Special Government Pleader.

O R D E R

Mr.C.Ramesh, learned Special Government Pleader accepts notice for respondent. By consent of both sides, this writ petition is taken up for final disposal at the stage of admission itself.

2. This writ petition has been filed for a Mandamus seeking for a direction to the respondent to consider the petitioner's representation dated 23.10.2020 seeking for issuance of three-wheeler auto rickshaw permit to be used in contract carriage purposes in favour of the petitioner.

3. It is the case of the petitioner that, he is a three wheeler auto rickshaw driver and he has the necessary license to drive an auto rickshaw. It is his case that he had approached the respondent's office during December 2019 seeking for issuance of new and fresh three wheeler auto rickshaw permit. According to the petitioner, the respondent informed him that no permits will be granted in favour of the petitioner.



4. It is the case of the petitioner that on 23.07.2020, this Court passed an order in W.P.(MD) Nos.6729 to 6734 of 2019 holding that neither the Central Government nor the State Government has restricted the grant of new and fresh three wheeler auto rickshaw permits.

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5. According to the petitioner, relying upon the aforesaid judgment dated 23.07.2020 passed in W.P.(MD) Nos.6729 to 6734 of 2019, the petitioner approached the respondent on 25.08.2020 seeking for issuance of permit. The petitioner also submitted a representation on 23.10.2020 to the respondent seeking for fresh auto rickshaw permit. According to the petitioner, till date, the said representation has not been considered by the respondent. In such circumstances, this writ petition has been filed.

6. The relief sought for by the petitioner is an innocuous relief. No prejudice would be caused to the respondent if the representation of the petitioner is considered by them on merits and in accordance with law.

7. The petitioner in his representation has referred to a decision of this Court dated 23.07.2020 passed in W.P.(MD) Nos.6729 to 6734 of 2019, wherein this Court has held that neither the Central Government nor the State Government is restricted to grant fresh and new three wheeler auto rickshaw permits. The petitioner had given a representation on 23.10.2020. But till date, the said representation has not been considered by the respondent.

8. For the foregoing reasons, this Court directs the respondent to consider the petitioner's representation, dated 23.10.2020 seeking for issuance of a three-wheeler auto rickshaw permit in his favour and pass final order on merits and in accordance with law and in the light of the decision of this Court, dated 23.07.2020 passed in W.P.(MD) Nos.6729 to 6734 of 2019 within a period of twelve(12) weeks from the date of receipt of a copy of this order.

9. With the aforesaid directions, this writ petition stands disposed of. However, there shall be no order as to costs.

Sd/-

Assistant Registrar

// True Copy //

/ /2020

Sub Assistant Registrar(CS)



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Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To:

The Regional Transport Officer,
Regional Transport Office,
Madurai North, Melur Road,
Madurai 625 007

+1 CC to M/s.S.PARTHA SARATHY, Advocate (SR-22303[F] dated
20/11/2020)

Order made in

W.P. (MD) No.16191 of 2020

SV2 (CO)

NR (03/12/2020) 3P : 3C