



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.12.2020

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THE HONOURABLE MR. JUSTICE ABDUL QUDDHOSE

W.P. (MD).No.18557 of 2020

Appavu Madasamy

.. Petitioner

Vs.

The Regional Transport Authority,
Thoothukudi District,
Thoothukudi.

.. Respondent

PRAYER: Writ Petition is filed under Article 226 of Constitution of India for issuance of Writ of Mandamus, directing the respondent herein to accept the application, dated 29.01.2018 of the petitioner herein and issue 5 seater Auto Rickshaw permit (Share Auto) forth with to the petitioner herein.

For Petitioner : Mr.B.Dineshkumar

For Respondent : Mr.C.Ramesh
Special Government Pleader

ORDER

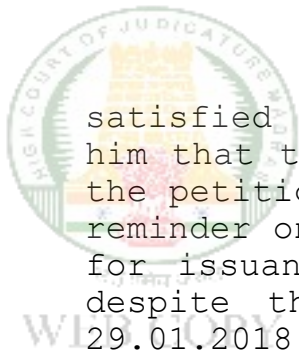
(This writ petition is heard through video conference)

This writ petition has been filed for a Mandamus seeking for a direction to the respondent to accept the petitioner's application dated 29.01.2018 seeking for issuance of a 5 seater Auto Rickshaw permit (share auto) in his favour.

2.Heard Mr.B.Dinesh Kumar, learned counsel for the petitioner and Mr.C.Ramesh, learned Special Government Pleader, who accepts notice on behalf of the respondent.

3.By consent of both parties, this writ petition is taken up for final disposal at the admission stage itself.

4.It is the case of the petitioner that he applied for issuance of a Share auto permit with the respondent in Form CTA dated 29.01.2018. According to him, even though the said application was submitted as early as on 29.01.2018, till date his application has not been considered by the respondent. It is also the case of the petitioner that the share auto application submitted by him has



satisfied the requirements of the respondent and is also stated by him that the prescribed fee has also been paid. It is the case of the petitioner that he has sent a representation on 06.12.2018 and a reminder on 22.01.2020 to the respondent to consider his application for issuance of share auto permit. According to the petitioner, despite those representations, till date, his application dated 29.01.2018 seeking for issuance of share auto permit has not been considered by the respondent. In such circumstances, this writ petition has been filed for a Mandamus seeking for a direction to accept the application of the petitioner dated 29.01.2018, seeking for issuance of a share auto permit in his favour.

5.Mr.C.Ramesh, learned Special Government Pleader, on instructions, would submit that as per G.O.Ms.No.277 issued by the Home (Transport) Department, Government of Tamil Nadu, dated 22.03.2001, only 50 additional autos for each Regional Transport Officer are permitted. According to him, 38 share auto rickshaw permits have already been granted for the petitioner's area and 12 applications are under consideration. Therefore, he would submit on instructions that the respondent is willing to accept the petitioner's application seeking for issuance of share auto permit. But, however, according to him, permit shall be granted only in accordance with G.O.Ms.No.277, issued by the Home (Transport) Department dated 22.03.2001. For this submission, the learned counsel for the petitioner has not raised any serious objection.

6.For the foregoing reasons, this Court directs the respondent to accept the petitioner's application dated 29.01.2018, seeking for issuance of a five seater auto rickshaw permit (share auto) and the respondent is directed to consider the same on merits and in accordance with law and in the light of G.O.MS.No.277, issued by the Home (Transport) Department dated 22.03.2001, within a period of eight weeks thereafter.

7.With the aforesaid directions, this writ petition is disposed of. No costs.

Sd/-

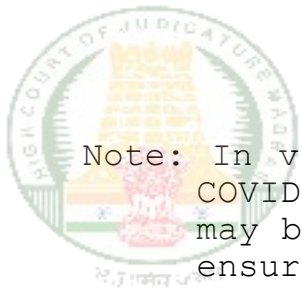
Assistant Registrar (CS-II)

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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 Authority,
Thoothukudi District,
Thoothukudi.

W.P. (MD) .No.18557 of 2020

16.12.2020

NA (CO)

NR (07/01/2020) 3P : 2C