

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 18.02.2021
CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P.No. 2634 of 2021

V.Suresh Babu

...Petitioner

Vs.

The Regional Transport Office,
Salem West, Salem.

..Respondent

Prayer: Writ petition filed under Article 226 of the Constitution of India for issuance of writ of mandamus, directing the respondent herein to receive the application of the petitioner dated 14.12.2020 in Form CCPA and the prescribed fee for the grant of Auto Rickshaw permit to operate the vehicle within radius of 30 K.M. Distance from Salem Town Old Bus Stand.

For Petitioner : Mr.A.Ganesan

For Respondent : Mr.Annai Ezhil

Government Advocate

O R D E R

The case of the petitioner is that he has applied for an Autorickshaw permit in the respondent Office on 14.12.2020 but the respondent refused to receive the application that they are not granting any fresh permits for Autorickshaw therefore, this writ petition is filed for a mandamus directing the respondents to receive the application of the petitioner dated 14.12.2020 in form CCPA and to permit the petitioner to pay the prescribed fee and permit him to operate Autorickshaw within the radius of 30 kilometres from Salem Town Bus Stand.

2. Heard Mr.A.Ganesan, learned counsel for the petitioner and Mr.Annai Ezhil, learned counsel for the respondent.

3. Mr.A.Ganesan, learned counsel for the petitioner submits that as contemplated under Section 80 of the Motor Vehicles Act, 1988, an application for grant of any kind of permit can be made at any point of time and as per Section 74(3) of the Motor Vehicles Act, no notification has been issued prescribing the grant of permits for Autorickshaw and there is no impediment to grant a permit as applied for.

4. The petitioner has also relied upon the orders passed in W.P.No. 12531 of 2020 dated 06.10.2020 and W.P.No. 19337 of 2020 dated 21.12.2020 wherein, a similar request has been entertained by this Court. In yet another writ petition filed in W.P.No. 939 of 2021, the respondents have taken a plea by referring yet another writ petition filed by Salem Bus Owners' Association in W.P.No. 30613 of 2019, which is pending before this Court.

5. The Salem Bus Owners' Bus Association may have some grievance in grant of Autorickshaw permit considering their business. In the absence of any orders from this Court, the respondent is not supposed to reject the request of the petitioner's Autorickshaw permit by referring the writ petition filed by the Salem Bus Owners' Association in W.P.No. 30613 of 2019.

6. The objection of the respondent in W.P.No. 939 of 2021 as well as in this writ petition is that the Salem Bus Owners' Association have filed a writ petition in W.P.No. 30613 of 2019, which is pending before the Court, of course, without an interim order. On the said basis, the request of the petitioner for an Autorickshaw permit has been refused. This cannot be ground for rejection and this Court granted the relief in the other writ petitions.

7. Accordingly, this writ petition is allowed, the petitioner shall apply for Autorickshaw permit in the prescribed format by paying necessary fee within a period of two weeks from the date of receipt of a copy of this order and if any such application is made by the petitioner, the same shall be considered by the respondent on the merit of that application within a period of three weeks from thereon. No costs.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

To:

The Regional Transport Office,
Salem West, Salem.

+1cc to The Government Pleader Sr.No.10339

akm/15.04.21 /2p-3c/

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