



WP.No.2864 of 2013

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.07.2022

CORAM

THE HONOURABLE Mr. JUSTICE S.SOUNTHAR

W.P.No.2864 of 2013

and

M.P.No.1 of 2013

Meera

... Petitioner

Vs.

Regional Transport Officer,
Dharmapuri District-636 705.

.... Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying to issue Writ of Certiorarified Mandamus, to call for the records relating to the impugned order of the respondent dated 26.11.2012 in Order.No.67856/A4/12 and quash the same and direct the respondent to consider the application of the petitioner dated 1.4.2011 in relation to renewal of permit for auto rickshaw bearing Registration No.TN-29-AA-1084 within the time fixed by this Hon'ble Court.

For Petitioner : Mr.V.Rameshvel

For Respondent : Mr.P.Sanjai Gandhi
Government Advocate



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ORDER

This writ petition is filed by the owner of the auto rickshaw bearing Regn.No.TN-29-AA-1084 for renewal of permit. Her application was returned by the respondent on 20.04.2011 with a direction to the petitioner to cure the defect pointed out. The application was re-presented by the petitioner on 23.11.2012 with a delay of 600 days. Not being satisfied with the reasons assigned by the petitioner for condoning the delay, the respondent rejected the application by way of impugned order dated 26.11.2012. Aggrieved by the same, the writ petitioner has come up with this petition.

2. The learned counsel for the petitioner submitted that the respondent has not provided any opportunity of hearing as mandated under Section 81 Sub Section 4 Proviso 2 of Motor Vehicles Act. He also pointed out the specific grounds raised by the writ petitioner with regard to the failure of respondent to provide an opportunity.

3. The learned Government Advocate appearing for the respondent filed counter and the specific averments of the petitioner with regard to the failure of respondent to furnish opportunity to the petitioner has not been controverted in the counter. Hence, it is clear that the



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impugned order was passed without affording opportunity of hearing to the petitioner as mandated by Proviso to Sec.81(4) of Motor Vehicles Act. Hence, impugned order is violative of natural justice principles, which is inbuilt in the statute itself. Therefore, it deserves to be set aside.

4. Accordingly, this writ petition is allowed by setting aside the impugned order dated 26.11.2012. The matter is remanded back to the file of the respondent. The respondent is directed to consider the application of the petitioner afresh within a period of eight weeks from the date of receipt of copy of this order. Consequently, connected miscellaneous petition is closed.

08.07.2022

Index :Yes/No
Internet:Yes/No
Speaking/Non speaking order
Vv

To
The Regional Transport Officer,
Dharmapuri District-636 705.

S.SOUNTHAR, J.



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Vv

**W.P.No.2864 of 2013
and
MP.No.1 of 2011**

08.07.2022