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W.P.No.34196 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.12.2022

CORAM:

THE HONOURABLE MR.JUSTICE N. SATHISH KUMAR

W.P.No.34196 of 2022

R.Jayaraj

...Petitioner

Vs.

The Regional Transport Officer
Salem (West) Division

... Respondent

PRAYER: Writ petition filed under Article 226 of the Constitution of India praying to issue a Writ of mandamus directing the respondent to receive the application for renewal of Autorickshaw permit in Form PRA dated 08.11.2022 and to consider the same and to pass orders in respect of Autorickshaw bearing registration No. TN-49-AD-3587 in accordance with the Section 81(2) of the Motor Vehicles Act.

For Petitioner : Mr.A.Ganesan

For Respondent : Mr.S.Rajesh, Govt.Advocate

for R1 to 3

ORDER



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Writ Petition has been filed praying to issue a Writ of mandamus directing the respondent to receive the application for renewal of Autorickshaw permit in Form PRA dated 08.11.2022 and to consider the same and to pass orders in respect of Autorickshaw bearing registration No. TN-49-AD-3587 in accordance with the Section 81(2) of the Motor Vehicles Act.

2. In a similar circumstances, this Court has granted relief to the petitioner in the case of S.B.Viji and Others vs. The Secretary, Regional Transport Authority cum Regional Transport Officer, in W.P.No.20157 of 2022 batch vide its order dated 03.08.2022, which reads as under:

“ Mr.M.Shahjahan, learned Special Government Pleader takes notice on behalf of the respondents.

2. These writ petitions have been disposed of at the time of admission after hearing the learned counsel for the petitioner and the learned Special Government Pleader for the respondents.

3. It is noted that already under similar circumstances, this Court has granted relief to the petitioner in the case of T.Narayanan Vs The Secretary, The Regional Transport Authority-cum-The Regional Transport Officer, Chennai (North East), in W.P.No.8199 of 2020 vide its order dated 06.07.2020. The relevant portion of the



order reads as under:-

“ This writ petition has been filed for the issue of a writ of mandamus directing the respondent to receive the application submitted by the petitioner who is seeking for the renewal of the permit for his Auto rickshaw.

2. It is an admitted case of the petitioner that the permit expired in the year 2015. The petitioner has submitted the application in the requisite format with the prescribed fees seeking for renewal of the contract carriage Auto rickshaw permit. Since the same was not considered, the present writ petition has been filed seeking for appropriate direction.

3. The learned counsel for the petitioner submitted that even though there is a delay in seeking for the renewal of the permit, Section 81(3) of the Motor Vehicles Act, empowers the respondent to condone the delay where proper explanation is given for the delay.

4. Heard the learned Government Advocate appearing on behalf of the respondent.

5. Taking into consideration the facts and circumstances of the case and after carefully considering the submissions made on either side, there shall be a direction to the respondent to receive the application of the petitioner dated 28.02.2020 in the prescribed format with the prescribed fees and consider the same strictly in accordance with law and take a decision within a period of six weeks from the date of receipt of the resubmission of the application by the petitioner. The petitioner shall



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resubmit the application along with a copy of this order.

This writ petition is disposed of with the above directions. No costs.”

4. The facts on record indicate that the respective petitioners' licenses have expired on various dates as detailed below:-

<i>Sl.No</i>	<i>W.P.No.</i>	<i>Vehicle Registration No.</i>	<i>Date of expiry of the Vehicle</i>
<i>1</i>	<i>W.P.No.20157</i>	<i>TN-07-AU-7778</i>	<i>16.12.2020 of 2022</i>
<i>2</i>	<i>W.P.No.20159</i>	<i>TN-02-V-2010</i>	<i>21.11.2020 of 2022</i>
<i>3</i>	<i>W.P.No.20161</i>	<i>TN-05-BJ-4271</i>	<i>12.01.2022 of 2022</i>

5. Section 81(2) of the Motor Vehicles Act, 1988, contemplates that a permit may be renewed on an application made not less than 15 days before the date of its expiry.

6. As per Section 81(3) of the Motor Vehicles Act, 1988, the Regional Transport Authority or the State Transport Authority, as the case may be, may entertain an



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application for the renewal of a permit after the last date specified in that sub-section (2) if they are satisfied that the applicant was prevented by good and sufficient cause from making an application within the time specified.

7. In all the cases, the respective petitioners have made an attempt to file an application for renewal of permit on 27.06.2022, which have not been received by the concerned Officers. The said practice of not receiving the application is unwarranted as sub-section 3 to Section 81 gives power to the authorities to entertain the application beyond the dues specified in Section 81(2) of the Motor Vehicles Act, 1988, i.e., 15 days after the expiry of the permit/before the date of its expiry. The application has to be accompanied with an affidavit explaining the reasons for the delay.

8. Under these circumstances, I direct the petitioners to resubmit their applications within a period of ten days from the date of receipt of a copy of this order together with an affidavit explaining the reasons for not filing the application within the time stipulated in Section 81(2) of the Motor Vehicles Act, 1988.

9. If such applications are filed by the petitioners within the stipulated time, the respondents are directed to consider the same and pass appropriate orders on renewal of the permit, within a period of fifteen days thereafter.

10. The Writ Petitions stand disposed of in terms of



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the above observations. No costs."

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3. In view of the above said order, this Court directs the petitioner to resubmit his application within a period of ten days from the date of receipt of a copy of this order together with an affidavit explaining the reasons for not filing the application within the time stipulated in Sec.81(2) of the Motor Vehicles Act, 1988.

4. If such application is filed by the petitioner within the stipulated time, the respondent is directed to consider the same and pass appropriate orders on renewal of the permit, within a period of fifteen days thereafter.

5. With the above observations, the Writ Petition stands disposed of.

No costs.

21.12.2022

kpr
Internet:Yes
Speaking/non-speaking order

To
The Regional Transport Officer
Salem (West) Division



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N. SATHISH KUMAR, J.

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