



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **29.04.2022**

CORAM:

THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P. (MD) No.8651 of 2022

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... Petitioner

/vs./

The Regional Transport Officer,
Regional Transport Office,
31/19, Annaiyur Village,
ESI Hospital Backside,
Sivakasi West 626 124.

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to direct the respondent to issue National Permit and also to issue Fitness Certificate to petitioner's vehicle bearing Registration No.TN 01 Y 6736 Ashok Leyland Lorry (Multi Axle Goods Vehicle) by considering the petitioner's representation dated 10.03.2022 within stipulated time may be fixed by this Court.

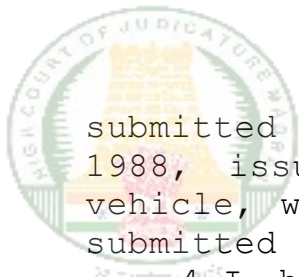
For Petitioner : M/s.V.Muthukamatchi
For Respondent : Mr.K.S.Selva Ganesan
Additional Government Pleader

ORDER

The petitioner has filed this writ petition for a Mandamus to direct the respondent to issue National Permit and also to issue Fitness Certificate to the petitioner's vehicle bearing Registration No.TN 01 Y 6736 Ashok Leyland Lorry (Multi Axle Goods Vehicle), by considering the petitioner's representation dated 10.03.2022.

2.This writ petition is disposed of at the time of admission, considering the fact that the petitioner has not filed any application in statutory forms for issuance of National Permit and Fitness Certificate.

3.The respondent objected to the relief that has been sought for by the petitioner in this writ petition on the ground that the petitioner's representation cannot be considered in the absence of a valid application under statutory Forms. That apart, it is



submitted that as per Section 88(1) of the Motor Vehicles Act, 1988, issuance of National Permit and Fitness Certificate for vehicle, which are more than 15 years, are not permissible. It is submitted that the petitioner's vehicle has to be only scrapped.

4.I have considered the arguments advanced by the learned counsel for the petitioner and the learned Additional Government Pleader for the respondent.

5.The petitioner has not filed any statutory application for grant of Fitness Certificate or National Permit. Mere filing of a representation by itself is not sufficient. The petitioner has to file appropriate application together with necessary fees.

6.Under these circumstances, this writ petition stands closed with liberty to the petitioner to file appropriate applications for the relief that has been sought for in this writ petition, within a period of 15 days from the date of receipt of a copy of this order. In case, such an application is filed within such time, the respondent shall scrutinise and dispose of the application to be filed by the petitioner on merits and in accordance with law, within a period of 30 days from the date of receipt of such application. No costs.

Sd/-

Assistant Registrar(Writ)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

mm

To

The Regional Transport Officer,
Regional Transport Office,
31/19, Annaiyur Village,
ESI Hospital Backside,
Sivakasi West 626 124.

+1 CC to M/s.V. MUTHUKAMATCHI, Advocate
(SR-23109[F] dated 02/05/2022)

+1 CC to M/s.SPL.GOVERNMENT PLEADER
(SR-23416[F] dated 04/05/2022)

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29.04.2022