



W.P.(MD)No.22585 of 2022

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.09.2022

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THE HONOURABLE MR.JUSTICE MOHAMMED SHAFFIQ

W.P.(MD)No.22585 of 2022

K.Kamaraj

... Petitioner

Vs.

1. The Regional Transport Authority,
Karur District,
Karur.

2. The Regional Transport Officer,
Karur District,
Karur.

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus directing the 2nd Respondent to receive the Petitioner's application dated 08.08.2022 for renewal of permit of his Mini Bus bearing Registration No.TAR 7329 for the period from 11.10.2015 to 10.10.2020 and 11.10.2020 to 10.10.2025 along with replacement of the Mini Bus bearing Registration No.TN 67 C 2998 instead of No.TAR 7329 plying on the route Tharangampatti to Veerappur and forward the same to the 1st Respondent for necessary order.



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For Petitioner : Mr.A.C.Asaithambi
For Respondents : Mr.M.Siddharthan
Additional Government Pleader

ORDER

This Writ Petition has been filed to direct the 2nd Respondent to receive the Petitioner's application dated 08.08.2022 for renewal of permit of his Mini Bus bearing Registration No.TAR 7329 for the period from 11.10.2015 to 10.10.2020 and 11.10.2020 to 10.10.2025 along with replacement of the Mini Bus bearing Registration No.TN 67 C 2998 instead of No.TAR 7329 plying on the route Tharangampatti to Veerappur and forward the same to the 1st Respondent for necessary order.

2. Mr.M.Siddharthan, learned Additional Government Pleader, takes notice for the Respondents.

3. The Petitioner originally had a Mini Bus bearing Registration No.TAR 7329 and a permit was granted with consent of the 1st Respondent with effect from 22.02.2008 up to 10.10.2010 on the route from



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Tharangampatti to Veerappur and the same was renewed from 10.10.2010 to 09.10.2015. Thereafter, the permit has not been renewed.

4. It is submitted by the learned counsel for the Petitioner that he was unable to submit an application for renewal of permit on time in view of the health conditions. The Petitioner has now attempted to submit an application before the 2nd Respondent seeking renewal of the permit. He further submitted that there is a statutory provision which enables the Petitioner to submit an application under Section 81 of the Motor Vehicles Act, 1988 (hereinafter referred to as 'the Act') and the same is extracted hereunder:

“81. Duration and renewal of permits. -

(1) A permit other than a temporary permit issued under section 87 or a special permit issued under subsection (8) of section 88 shall be effective from the date of issuance or renewal thereof for a period of five years.

Provided that where the permit is countersigned under sub-section (1) of section 88, such countersignature shall remain effective without renewal for such period so as to synchronise with the validity of the primary permit.



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(2) A permit may be renewed on in application made not less than 15 days before the date of its expiry.

(3) Notwithstanding anything contained in sub-section (2), the Regional Transport Authority or the State Transport Authority, as the case may be, may entertain an application for the renewal of a permit after the last date specified in that sub-section if it is satisfied that the applicant was prevented by good and sufficient cause from making an application within the time specified.”

5. He further submitted that, in an identical circumstances, this Court was pleased to direct the 2nd Respondent to receive the application and forward the same to the 1st Respondent to pass appropriate orders. The relevant portion is extracted hereunder:

“3. The case of the writ petitioner is that his application for replacement of the vehicle in question should be received by the second respondent and thereafter, forwarded to the first respondent for appropriate orders. There is a statutory provision which enables the writ petitioner to submit such an application under Section 81(3) of the Motor Vehicles Act r/w Rule 93(a) of the Tamil Nadu Motor Vehicles Rules.



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4. This Court has not pronounced anything on the merits of the matter. The second respondent is directed to receive the petitioner's application for renewal of permit and forward the same to the first respondent for necessary orders, within a period of three weeks from the date of receipt of a copy of this order. The first respondent shall pass appropriate orders within a period of four week thereafter. The writ petition is disposed of accordingly. No costs."

6. I find that though Section 81(4) of the Act enables condonation of delay, in the present case, the application of renewal is being made after almost seven years. The validity of a permit of any kind is five years. Thus, it seems doubtful that the renewal application is maintainable. However in the light of the above order of the learned Single Judge of this Court, this Court is inclined to direct the 2nd Respondent to receive the renewal application and forward the same to the 1st Respondent and on receipt of such application, the 1st Respondent shall pass orders on merits. The Petitioner is also seeking replacement of Mini Bus bearing Registration No.TN 67 C 2998 instead of Registration No.TAR 7329. However,



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question of replacement would arise only if Petitioner has a valid permit.

But, in the present case, the Petitioner has no valid permit. Hence, if the Petitioner is granted permit, it is open to the Petitioner to thereafter seek replacement in terms of Section 83 of the Act. I intend to make it clear that this Court has not expressed any view on the maintainability of the application which is intended to be filed by the Petitioner.

7. Accordingly, this Writ Petition is disposed of. No costs.

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Index : Yes / No

Speaking Order : Yes / No

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MOHAMMED SHAFFIQ, J.

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