



WEB COPY



W.P.No.3908 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.02.2023

CORAM

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.No.3908 of 2023

and

W.M.P.No.3968 of 2023

Mahalakshmi Driving School
4th Ward, Pappathi Amman Koil Street,
Vadamadurai, Vedasandur Taluk,
Dindigul District
Rep., by its Proprietor P.Sundararajan

... Petitioner

Vs.

1.The Transport Commissioner,
Chepauk, Chennai – 600 005.

2.The Regional Transport Officer,
Office of the Licensing Authority,
Dindigul District, Dindigul.

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, to call for the original records relating to the orders passed by the second respondent vide proceedings bearing Na.Ka.38757/C1/2020 dated 27.11.2020 and consequential order of the 1st respondent in his proceedings bearing Se.Mu.Aa.No.29953/Ka.Aa1/2020, dated 26.05.2022 and quash the same and further direct the respondents 1 & 2 herein to issue the Renewal of the Driving Licence of the petitioner by condoning the delay of 1 year 4 months and 10 days and renewal the driving licence for the period from 10.06.2019 to 09.06.2024.

For Petitioner : Mr.A.Ganesan

For Respondents : Mr.K.M.D.Muhilan,
Additional Government Pleader

ORDER

This Writ Petition has been filed to call for the original records relating to the orders passed by the second respondent vide proceedings bearing Na.Ka.38757/C1/2020 dated 27.11.2020 and consequential order of the 1st respondent in his proceedings bearing Se.Mu.Aa.No.29953/Ka.Aa1/2020, dated 26.05.2022 and quash the same and further direct the respondents 1 & 2 herein to issue the Renewal of the Driving Licence of the petitioner by condoning the delay of 1 year 4 months and 10 days and renewal the driving licence for the period from 10.06.2019 to 09.06.2024.

2. Heard the learned counsel for the petitioner and the learned Additional Government Pleader for the respondents.

3. The main ground on which the challenge is made is that though there was a delay of 1 year 4 months and 10 days in submitting the application, the delay was due to the petitioner's ailment. Therefore, according to the petitioner, in a similar situation, the Court has allowed the petition. Therefore, seeks to set aside the order.



4.

On a perusal of Rule 25 of the Central Motor Vehicle Rules, the same makes it clear that renewal can be made not less than 60 days before the date of expiry and there is no enabling provision under Rule and Act, to extend the period of limitation. Therefore, this Court is of the view that when the period of limitation is restricted by the statute, without the provision to extend the limitation as a matter of right, the renewal cannot be made beyond the period.

5.

Considering the above, this Court is of the view that though in the earlier occasion, this Court has passed an order, taking note of the delay was minimal and considering the peculiar circumstances and situation of the case. In a given case, the delay pleaded in this case is huge and not satisfactorily explained, the order of rejection cannot be interfered. However, taking note of the fact that the petitioner had licence all along with the date of expiry and there is no bar under Rule 24 of the Central Motor Vehicles Rules for grant of driving licence. The petitioner shall apply for a fresh licence and on such application is filed, the authorities shall consider and grant licence to the petitioner, within a period of one month, since the petitioner has already fulfilled various conditions for holding valid licence, provided, the petitioner shall satisfies the conditions under Rule 24 of the Central Motor Vehicle Rules.



W.P.No.3908 of 2023

WEB COPY

6. With the above direction, this Writ Petition is disposed of.

Consequently, connected miscellaneous petition is closed. No costs.

09.02.2023

Index :Yes/No

Neutral Citation: Yes / No

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N.SATHISH KUMAR, J.

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