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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.04.2023

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

W.P No.11757 of 2023

R.Kumar Petitioner

vs.

1.The Regional Transport Officer,
Karaikal,
Puducherry State.

2.The Regional Transport Officer (HQ),
Transport Department,
Puducherry. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents herein to consider and pass orders on the petitioner's application dated 22.02.2023 for the renewal of stage carriage bus terminus for a further period of 5 years from 2023 to 2028, in respect of Vehicle Number PY-02/J2912 permitted to ply on the route Nedungadu to Nagore.

For Petitioner : Mr.K.Hariharan

For Respondents : Mr.Vasanth Kumar
Additional Government Pleader
(Puducherry)
for R2 and R3

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O R D E R

This writ petition has been filed for issue of writ of mandamus directing the respondents to consider and take a decision on the application submitted by the petitioner on 22.02.2023, wherein, the petitioner has sought for the renewal of the State Carriage Permit for further period of five years with respect to the Vehicle No.PY-02/J2912 to ply the vehicle in the route Nedungadu to Nagore.

2.Heard Mr.K.Hariharan, learned counsel appearing on behalf of the petitioner and Mr.Vasanthakumar, learned Additional Government Pleader (Puducherry) appearing on behalf of the respondents.

3.The grievance of the petitioner is that he was having a State Carriage Bus Permit which was valid up to 15.03.2023. Since the period of permit was about to expire, the petitioner made an application on 22.02.2023, seeking for the renewal of the permit. After the application was submitted before the 1st respondent along with prescribed fees, the 1st respondent had forwarded the renewal application on 23.02.2023 to the 2nd respondent for further action. It is the 2nd respondent, who has to process the application and must pass necessary orders for renewal of the bus permit. Since the permit was not renewed and it expired on 15.03.2023, the petitioner left with no other alternative has knocked the doors of this Court seeking for appropriate directions.

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4.In the considered view of this Court, the petitioner was already holding a State Carriage Bus Permit which was given up to 15.03.2023. The petitioner took effective steps for the renewal of the permit by submitting an application as early as on 22.02.2023. It was also forwarded by the 1st respondent to the 2nd respondent immediately and it was for the 2nd respondent to have taken a decision with respect to the renewal of the permit. For some reason, the 2nd respondent was sitting on the file and as a result, the period of the permit expired on 15.03.2023. As a result, the petitioner is not in a position to ply his vehicle in the route Nedungadu to Nagore.

5.When the petitioner has submitted the application well before the expiry of the permit, the 2nd respondent ought to have dealt with the application and should have taken a decision. There is absolutely no justification for keeping the application pending and allowing the earlier period of the permit to expire. This has virtually resulted in taking away the livelihood of the petitioner from 16.03.2023 onwards. In view of the same, this Court is inclined to dispose of this writ petition by passing appropriate directions to the 2nd respondent.

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N. ANAND VENKATESH, J.

ssr

6.This writ petition is disposed of with a direction to the 2nd respondent to immediately act upon the application submitted by the petitioner on 22.02.2023 and take a decision, within a period of ten days from the date of receipt of copy of this order. The 2nd respondent shall ensure that the time limit fixed by this Court is strictly complied with. No Costs.

19.04.2023

Index : Yes/No
Internet : Yes/No
Speaking Order/Non-Speaking Order
Neutral Citation Case : Yes/No
ssr

Note: Issue Order Copy on 20.04.2023

To

1.The Regional Transport Officer,
Karaikal, Puducherry State.

2.The Regional Transport Officer (HQ),
Transport Department,
Puducherry.

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