



W.P.No.22168 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.08.2023

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THE HONOURABLE MR. JUSTICE S.SOUNTHAR

W.P.No.22168 of 2023

and

WMP.No.21560 of 2023

Rathnamma

...Petitioner

Vs.

1.The State Transport Authority
Chepauk, Chennai – 5.

2.The Regional Transport Officer
Hosur.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the first respondent herein to forthwith issue the temporary permit by accepting the fees in respect of petitioner's vehicle bearing Registration No.TN-34/L-3557 plying on the route “Malur to Krishnagiri” and further direct the second respondent to renew the fitness certificate in respect of the petitioner's vehicle referred



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above pursuant to the order of this Court made in CMP.No.324 of 2022 in
CRP.(NPD).No.51 of 2022 dated 19.01.2022.

For Petitioner : Mrs.Radha Gopalan
for Mr.K.Hariharan

For Respondents : Mr.N.Naveen Kumar
Government Advocate

ORDER

The petitioner seeks a direction to the second respondent to issue temporary permit in respect of the petitioner's vehicle with the Reg.No.TN-34/L-3557 plying on the route “Malur to Krishnagiri” so as to enable the petitioner to run the vehicle pursuant to the order passed by this Court in CMP.No.324 of 2022 in CRP.(NPD).No.51 of 2022 dated 19.01.2022.



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2. It is stated by the petitioner that he filed an application for grant of temporary permit in the Vahan Portal maintained by the respondents in respect of the petitioner's vehicle. Since the second respondent blacklisted the petitioner's vehicle, the petitioner is not in a position to get renewal of the fitness certificate or grant of temporary permit.

3. It is also stated in the affidavit that when the petitioner sought for original fitness certificate, he was informed by the second respondent that unless temporary permit is issued in respect of the vehicle the fitness certificate cannot be renewed.

4. Therefore, the petitioner approached the first respondent and requested him to issue the temporary permit. The application for issue of temporary permit was submitted by the petitioner on 16.04.2022 before the first respondent. Till date, the first respondent has not passed any order in the application filed by the petitioner for issue of temporary permit.



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5. The learned counsel for the petitioner by taking this Court to the status-quo order passed in CMP.No.324 of 2022 in CRP.(NPD).No.51 of 2022 submitted that the inaction on the part of the first respondent in considering the application for issue of temporary permit would amount to violating the status-quo order passed by this Court.

6. The learned Government Advocate appearing for the respondents, on instructions, submitted that under Section 87 of the Motor Vehicles Act, issue of temporary permit can be considered only for a limited period of four months.

7. It is also stated by the learned Government Advocate that in the year 1987 the route of Malur to Krishnagiri was handed over to State Transport Corporation. Therefore, there is no scope for consideration of issuing permanent permit.



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8. The petitioner has already approached the first respondent seeking issuance of temporary permit and it is needless to say that this Court in the order passed in CMP.No.324 of 2022 in CRP.(NPD).No.51 of 2022 permitted the petitioner to run vehicles in the route of Malur to Krishnagiri. The first respondent is also a party to the said revision. The said order is still in force. Hence, the petitioner is entitled to run the vehicle on the strength of order passed by this Court. The respondents are not entitled to frustrate the said order by denying fitness certificate or temporary permit. Therefore, the first respondent is under the obligation to consider the request made by the petitioner to enable him to run the vehicle as ordered by this Court. Hence, the first respondent is directed to consider the application submitted by the petitioner for grant of temporary permit in the light of the status-quo order passed by this Court in CMP.No.324 of 2022 in CRP.(NPD).No.51 of 2022.

9. At this juncture, the learned counsel for the petitioner brought to the notice of this Court that the application submitted by the petitioner is for the period from 10.04.2023 to 09.08.2023 and the said



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period is likely to expire within a week time. Hence, the petitioner may be permitted to submit a fresh application and the same may be considered by the respondents in the light of the order passed by this Court. The learned counsel for the petitioner also submitted that in the Vahan Portal of the respondents, the second respondent has blacklisted the vehicle of the petitioner. Hence, he is not in a position to pay fees through online for temporary permit as well as fitness certificate.

10. Therefore, the petitioner is permitted to file a fresh application for issue of temporary permit and the same shall be considered by the first respondent in the light of the order passed by this Court in CMP.No.324 of 2022 in CRP.(NPD).No.51 of 2022 within a period of four weeks from the date of receipt of fresh application. The respondents also directed to permit the petitioner to pay necessary fees either through online or by physical mode so as to process her application for temporary permit.



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11. With the above observations, this Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

02.08.2023

Index : Yes/No

Internet : Yes/No

Speaking Order/Non-Speaking Order

Neutral Citation Case : Yes/No

dna

Note: Issue order copy on 03.08.2023.

To

1.The State Transport Authority
Chepauk, Chennai – 5.

2.The Regional Transport Officer
Hosur.



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