



W.P(MD)No.18078 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.09.2024

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THE HONOURABLE MR.JUSTICE MOHAMMED SHAFFIQ

W.P(MD)No.18078 of 2023

K.Kamaraj

... Petitioner

Vs.

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

2.The Secretary,
The State Transport Appellate Tribunal,
High Court Campus,
Chennai-600 104.

... Respondents

*(R-2 is suo motu impleaded vide Court order, dated
25.08.2023 in W.P(MD)No.18078 of 2023)*

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, calling for the records pertaining to the impugned order in R.No.21398/A2/2015, dated 04.01.2016 and quash the same as illegal and pass such further or other orders as this Court.

For Petitioner	: Mr.A.C.Asaithambi
For R-1	: Mr.R.Suresh Kumar
	Additional Government Pleader



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ORDER

The present writ petition has been filed challenging the impugned proceedings, dated 04.01.2016, whereby, the license was cancelled rejecting the request for renewal of the mini bus permit in terms of Section 81 of the Motor Vehicles Act, on the premise that the petitioner had failed to remit the appropriate taxes within the prescribed period invoking Section 86(1) of the MV Act. The cancellation of the license in terms of the impugned order was made with effect from 31.12.2015.

2. It is submitted that the impugned order, dated 04.01.2016 was never served on the petitioner. The petitioner is nevertheless now ready and willing to pay the entire taxes that is due and that they may be permitted to file a representation before the appropriate authority seeking restoration of their license.

3. To the contrary, it was submitted by the learned Additional Government Pleader for the official respondent that the impugned order, dated 04.01.2016 was in fact served by way of RPAD. The question as to whether there was a valid service or not is a mixed question of fact and law.



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4. In view thereof, it is therefore, open to the petitioner to approach the appellate authority. If any such appeal is filed, the appellate authority shall examine as a preliminary issue whether the impugned order, dated 04.01.2016 was served on the petitioner as submitted by the respondent authority and thereafter, decide the appeal subject to limitation and all other conditions relating to appeal. The petitioner may move an application for certified copy of the order. If any such application is filed, certified copy shall be made available to the petitioner, within a period of one week from the date of receipt of a copy of the impugned order, dated 04.01.2016 to enable the petitioner to file an appeal.

5. The writ petition stands disposed of. There shall be no order as to costs.

03.09.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes
BTR



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MOHAMMED SHAFFIQ, J.

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