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W.P.No.5847 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.02.2025

CORAM :
THE HONOURABLE MR. JUSTICE J.SATHYA NARAYANA PRASAD

Writ Petition No.5847 of 2025

M.Vadivel

... Petitioner

Vs.

The Regional Transport Officer,
Salem South, Salem District.

... Respondent

PRAYER: Writ Petition filed under Article 226 of Constitution of India praying for issuance of Writ of Mandamus directing the respondent herein to receive the application of the petitioner dated 06.01.2025 in Form CCPA along with the prescribed fee through online for the grant of Auto Rickshaw Permit to operate the vehicle within radius of 30 K.M. distance from Salem Town Old Bus stand, Salem District and to consider the same.

For Petitioner : Mr.A.Ganesan

For Respondent : M/s.P.Aishwarya,
Government Advocate

ORDER

The petitioner has filed this petition seeking to direct the respondent herein to receive the application of the petitioner dated 06.01.2025 in Form

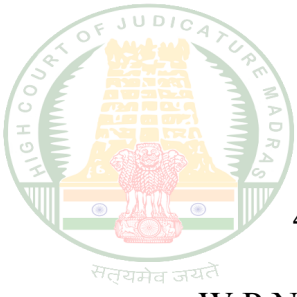


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CCPA along with the prescribed fee through online for the grant of Auto Rickshaw Permit to operate the vehicle within radius of 30 K.M. distance from Salem Town Old Bus stand, Salem District and to consider the same.

2. Since no adverse order is being passed, this writ petition is taken up for final hearing.

3. The case of the petitioner is that in the year 2010, the State Government of Tamil Nadu issued orders to grant permits immediately on receipt of the applications. Thereafter, the restrictions for the grant of Auto rickshaw permits were removed. The petitioner made his application before the respondent on 06.01.2025, to secure a fresh permit for Auto rickshaw and to operate the vehicle within 30 KM radius distance from Salem Corporation Town Old Bus Stand, Salem. However, the respondent refused to receive the application and fee. Further they orally informed that they have received instructions from the office of the Transport Commissioner, State Transport Authority, not to grant any fresh permits for Auto rickshaws.

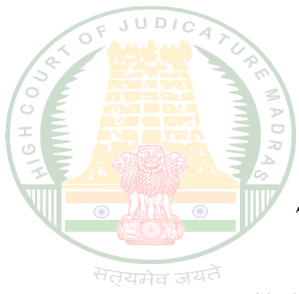


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4. Learned counsel for the petitioner would submit that this Court in W.P.No.12351 of 2020 was pleased to pass an order dated 06.10.2020 by quashing the Circular in Na.Ka.No.6213/2019, dated 21.11.2019 issued by the RTO, Salem, by holding the respondents to consider the application submitted by the petitioner for grant of auto rickshaw permits and necessary orders shall be passed thereof.

5. In similar circumstances, this Court in W.P.Nos.14300 to 14305 of 2024 was pleased to pass an order dated 29.05.2024 by directing the respondent to receive the application of the petitioner in Form CCPA along with prescribed fee for grant of Auto Rickshaw Permit and consider the same on its own merits and in accordance with law and pass appropriate orders.

6. Learned counsel for the petitioner would further submit that till date the officials of the respondent refused to receive the petitioner's application. Even if the application is sent by post, the same will not be considered by the respondent. Hence, the present writ petition is filed.

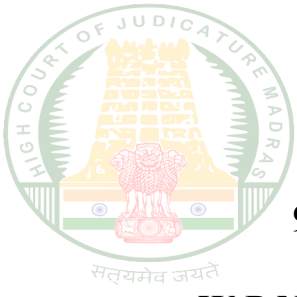


7. Heard the learned counsel on either side and perused the materials available on record.

8. Learned counsel for the petitioner as well as learned Government Advocate appearing for the respondent are at idem that the matter was covered by the order of this Court in ***W.P.Nos.14300 to 14305 of 2024*** in the case of ***N.Javied and others Vs. The Regional Transport Officer, Salem East, Salem District and others***, which held as follows:

“4. The issue involved in the present writ petitions were dealt in the earlier Writ Petition in W.P.No.18034 of 2020 dated 11.12.2020 and this Court had, issued direction to the concerned Regional Transport Officer to receive the application of the petitioner in Form CCPA along with the prescribed fee.

5. In the result, these writ petitions are disposed of, with a direction to the respondent to receive the applications of the petitioners dated 14.05.2024 in Form CCPA along with the prescribed fee for grant of Auto Rickshaw Permit and consider the same on its own merits and in accordance with law and pass appropriate orders, within a period of eight weeks from the date of receipt of a copy of this order. No costs.”



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9. In view of the above ratio laid down by this Court in W.P.Nos.14300 to 14305 of 2024, the respondent is directed to receive the application of the petitioner dated 06.01.2025 in Form CCPA along with the prescribed fee through online for the grant of an Auto Rickshaw Permit to operate the vehicle within a radius of 30 Km distance from Salem Town Old Bus Stand, Salem, and pass appropriate orders on merits, in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order.

10. In the result, this writ petition stands allowed with the above observations and direction. No costs.

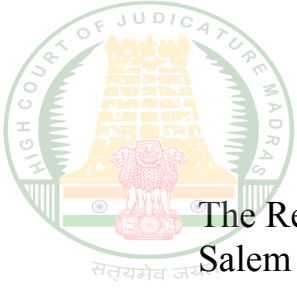
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Index : Yes/No
Speaking Order : Yes/No
Neutral Citation : Yes/No

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J.SATHYA NARAYANA PRASAD,J.

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