

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

FRIDAY, THE 16TH DAY OF JANUARY 2015/26TH POUSHA, 1936

WP(C).No. 2910 of 2012 (K)

PETITIONER(S):

**WILSON KOSHY THOMAS, AGED 53 YEARS
S/O. KOSHY THOMAS, PUTHENPURAYIL
THITTAMEL, CHENGANNUR - 689 121.**

**BY ADVS.SRI.K.SHRIHARI RAO
SMT.N.SHOBHA
SRI.K.S.BALAKRISHNAN**

RESPONDENT(S):

- 1. JOINT REGIONAL TRANSPORT OFFICER
MOTOR VEHICLES DEPARTMENT, CHENGANNUR - 689 122.**
- 2. MOTOR VEHICLES INSPECTOR,
MOTOR VEHICLES DEPARTMENT, CHENNGANUR - 689 122.**
- 3. REGIONAL TRANSPORT OFFICER,
MOTOR VEHICLES DEPARTMENT, PATHANAMTHITTA - 689 645.**
- 4. TRANSPORT COMMISSIONER,
TRANS TOWER, MOTOR VEHICLES DEPARTMENT, VAZHUTHCAUD
THIRUVANANTHAPURAM.**
- 5. DEPUTY TRANSPORT COMMISSIONER,
MOTOR VEHICLES DEPARTMENT, CENTRAL ZONE NO.II
ERNAKULAM.**
- 6. JIJJI GEORGE,
JOINT REGIONAL TRANSPORT OFFICER
MOTOR VEHICLES DEPARTMENT
SUB REGIONAL TRANSPORT OFFICE, CHENGANNUR - 689 122.**
- 7. THE DIRECTOR,
VIGILANCE AND ANTI CORRUPTION BUREAU
THIRUVANANTHAPURAM - 695 001.**

R1-5 & 7 BY GOVERNMENT PLEADER SRI.T.J.MICHAEL

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 16-01-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

APPENDIX

PETITIONER(S) EXHIBITS

- EXHIBIT-P1- TRUE COPY OF THE DRIVING LICENCE NO. 30/12/1979
ISSUED BY THE 1ST RESPONDENT.
- EXHIBIT-P2- TRUE COPY OF THE DRIVING LICENCE ISSUED BY THE STATE
OF QATAR IN THE NAME OF THE PETITIONER.
- EXHIBIT-P3- TRUE COPY OF THE RECEIPT DATED 14/06/2011 ISSUED BY THE
OFFICE OF THE 1ST RESPONDENT IN THE NAME OF THE
PETITIONER.
- EXHIBIT-P4- TRUE COPY OF THE LETTER DATED 26/07/2011 OF THE
1ST RESPONDENT IN THE NAME OF THE PETITIONER.
- EXHIBIT-P5- TRUE COPY OF THE RECEIPT DATED 26/09/2011 ISSUED
BY THE 3RD RESPONDENT IN THE NAME OF THE PETITIONER.
- EXHIBIT-P6- TRUE COPY OF THE LETTER DATED 25/08/2011 SUBMITTED
BY THE PETITIONER UNDER RIGHT TO INFORMATION ACT
BEFORE THE 1ST RESPONDENT.
- EXHIBIT-P7- TRUE COPY OF THE REPLY DATED 27/09/2011 OF THE
OFFICE OF THE 1ST RESPONDENT TO THE EXHIBIT-P6
SUBMITTED BY THE PETITIONER.
- EXHIBIT—P8- TRUE COPY OF THE APPEAL DATED 11/10/2011 AGAINST
EXHIBIT—P7 SUBMITTED BY THE PETITIONER BEFORE THE
APPELLATE AUTHORITY UNDER THE RIGHT TO INFORMATION ACT
TO THE EXHIBIT-P8 APPEAL OF THE PETITIONER.
- EXHIBIT-P9- TRUE COPY OF THE REPLY DATED 11/11/2011 OF THE
APPELLATE AUTHORITY UNDER RIGHT TO INFORMATION ACT
TO THE EXHIBIT-P8 APPEAL OF THE PETITIONER.
- EXHIBIT-P10- TRUE COPY OF THE LETTER DATED NIL OF THE PETITIONER
BEFORE THE OFFICE OF THE 3RD RESPONDENT UNDER RIGHT
TO INFORMATION ACT.
- EXHIBIT-P11- TRUE COPY OF THE INFORMATION SUPPLIED BY THE OFFICE
OF THE 3RD RESPONDENT TO EXHIBIT-P10 LETTER OF THE
PETITIONER.
- EXHIBIT-P12- TRUE COPY OF THE LETTER DATED 21/12/2011 OF THE
APPELLATE AUTHORITY UNDER RIGHT TO INFORMATION ACT
TO THE PETITIONER.
- EXHIBIT-P3- TRUE COPY OF THE LETTER DATED 28/08/2009 OF THE
4TH RESPONDENT TO THE 5TH RESPONDENT.

RESPONDENTS' EXHIBITS

NIL.

/ TRUE COPY /

K.VINOD CHANDRAN, J.

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W.P(C) No.2910 of 2012

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Dated this the 16th day of January, 2015

JUDGMENT

The petitioner seeks renewal of a driving licence bearing No.30/12/1979 dated 10.06.2006. The said licence, going by Ext.P1, seems to be one authorising the petitioner to drive motor cycle with gear, Heavy Passenger Motor Vehicle, Heavy Motor Vehicle and Light Motor Vehicle. The learned Government Pleader on the basis of Ext.P1 itself submits that it is evident that the said licence is fraudulent. The date of birth of the petitioner, as seen from Ext.P1, is May 1958. The petitioner seems to have acquired the heavy motor vehicle licence on 1977 on which date itself the licence in motor cycle with gear has been obtained. The light motor vehicle licence is seen to have been issued only sometime in 2000.

2. The first contention is that in 1977 the petitioner had attained only 19 years, going by his own declaration of date

of birth and by Section 4(2) none under the age of 20 years could be authorized to drive transport vehicles. It is also contended that the heavy motor vehicle licence would be issued only after a period in which the light motor vehicle licence is validly held.

3. The counter affidavit filed on behalf of the 1st respondent indicates that the driving licence bearing No.30/12/1979 (R/12/1979), as per the records of the department, is issued to a person by name Cherian Alex . The petitioner has been issued with a licence bearing No.30/1167/1976, which authorizes the petitioner to drive light motor vehicles alone. In such circumstances there is no ground to allow the renewal of the licence, which evidently is one fraudulently obtained by the petitioner.

The writ petition would stand dismissed.

Sd/-

K.VINOD CHANDRAN, JUDGE

vdv //True Copy// P.A to Judge