

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.V.RAMAKRISHNA PILLAI

WEDNESDAY, THE 22ND DAY OF JULY 2015/31ST ASHADHA, 1937

WP(C).No. 4164 of 2015 (U)

PETITIONER(S):

**REJI STEPHEN,
S/O.P.M. STEPHEN, PLAMOOTTIL HOUSE,
THENGALI P.O., THIRUVALLA.**

BY ADV. SRI.PRASAD CHANDRAN.

RESPONDENT(S):

- 1. THE JOINT REGIONAL TRANSPORT OFFICER,
OFFICE OF THE REGIONAL TRANSPORT OFFICE,
THIRUVALLA, PIN -689 101.**
- 2. THE REGIONAL MANAGER,
MAHINDRA & MAHINDRA FINANCIAL SERVICES LTD.,
AREA OFFICE, 4TH FLOOR, NOEL HOUSE,
THRIKKAKARA P.O., PIN- 680 030.**

**R1 BY GOVT. PLEADER SMT.ANITHA RAVINDRAN.
R2 BY ADVS. SRI.DEVAPRASANTH. P.J.,
SMT.SMINI JOSE.**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 22-07-2015, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:**

rs.

WP(C).No. 4164 of 2015 (U)

APPENDIX

PETITIONER'S EXHIBITS:-

**EXHIBIT-P1: TRUE COPY OF THE REGULAR PERMIT ISSUED TO THE
PETITIONER VALID TILL ON 03.08.2014.**

**EXHIBIT-P2: TRUE COPY OF THE REGULAR PERMIT APPLICATION
SUBMITTED BY THE PETITIONER DATED 07.10.2014.**

**EXHIBIT-P3: TRUE COPY OF THE COVERING LETTER SUBMITTED BY THE
PETITIONER SHOWING THE ENDORSEMENT BY THE
1ST RESPONDENT DATED 05.01.2015.**

RESPONDENT'S EXHIBITS:- **NIL.**

//TRUE COPY//

PA. TO JUDGE

rs.

A.V. RAMAKRISHNA PILLAI, J.

W.P.(C) No. 4164 of 2015

Dated this the 22nd day of July, 2015

J U D G M E N T

The petitioner is seeking a direction to the 1st respondent to consider Ext.P2 application for grant of contract carriage permit.

2. The petitioner is the registered owner of Mahindra & Mahindra light motor contract carriage vehicle bearing Reg.No.KL-27/A-3565, which is having a seating capacity of seven seats. The petitioner alleges that he purchased the said vehicle with financial assistance from the 2nd respondent; and the vehicle had a contract carriage permit valid up to 03.08.2014. The certificate of fitness expired on 24.11.2014; and thereafter, the vehicle could not be operated. After conducting the major repairs, the petitioner submitted Ext.P2 application for regular permit. Along with the application, he had specifically submitted that he had applied for No Objection Certificate from the financier. The petitioner also submitted that an affidavit in support of his contention shall also be produced. The petitioner's grievance is that now, the

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1st respondent has returned the same stating that due to lack of No Objection Certificate from the financier, the application for fresh regular permit cannot be considered. Hence, this writ petition.

3. I have heard the learned counsel for the petitioner, the learned Government Pleader and the learned Standing Counsel for the 2nd respondent.

4. As the limited prayer in this writ petition is only for a direction to consider Ext.P2, this Court is of the view that the writ petition can be disposed of directing the 1st respondent to consider Ext.P2 within a time frame.

Therefore, the writ petition is disposed of directing the 1st respondent to consider Ext.P2 after affording the petitioner and the 2nd respondent an opportunity for producing evidence and an opportunity of being heard within a period of two weeks from the date of receipt of a copy of this judgment.

Sd/-
A.V. RAMAKRISHNA PILLAI
JUDGE

bka/-