

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

FRIDAY, THE 20TH DAY OF MARCH 2015/29TH PHALGUNA, 1936

WP(C).No. 5657 of 2015 (F)

PETITIONER:

K.REGHUNATHAN AGED 69 YEARS
S/O KOCHU KRISHNAN, T.C. 11/748,
KRISHNA BHAVAN, MOSQUE LANE,
KESAVADASAPURAM, PATTOM P.O
THIRUVANANTHAPURAM

BY ADVS.SRI.K.B.PRADEEP
SRI.LASHOK SURESH

RESPONDENTS:

1. THE STATE OF KERALA, REPRESENTED BY THE SECRETARY,
TRANSPORT DEPARTMENT, SECRETARIAT,
THIRUVANANTHAPURAM 695 001
2. THE REGIONAL TRANSPORT AUTHORITY, MOTOR VEHICLE DEPARTMENT
THIRUVANANTHAPURAM 695 001
3. INDIAN CEMENTS CAPITAL FINANCE LTD., PATTOM,
THIRUVANANTHAPURAM REPRESENTED BY ITS BRANCH MANAGER 695 001

R BY GOVERNMENT PLEADER SRI BIJU MEENATTOOR

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 20-03-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C).No. 5657 of 2015 (F)

APPENDIX

PETITIONERS EXHIBITS:

EXT.P1: TRUE COPY OF THE SAID APPLICATION DATED 6.2.2015

EXT.P2: TRUE COPY OF THE SAID APPLICATION DATED 3.2.2015

EXT.P3: TRUE COPY OF THE POSTAL ENVELOPE IN WHICH THE APPLICATION WAS
MAILED TO THE 3RD RESPONDENT

EXT.P4: TRUE COPY OF THE NOTICE DATED 4.3.2015

RESPONDENTS EXHIBITS: NIL

TRUE COPY

P.A TO JUDGE

jma

K. VINOD CHANDRAN, J

W.P(C) No. 5657 of 2015

Dated this the 20th day of March, 2015

J U D G M E N T

The petitioner is aggrieved with the fact that the registering authority, the 2nd respondent herein is not considering Ext.P1 application for renewal of contract carriage permit.

2. The learned counsel for the petitioner contends that the same is covered by a judgment of this Court reported in Reghunathan K v State of Kerala and Others (2009(3) KHC 17). The judgment is with respect to the very same petitioner and the very same vehicle for a previous period.

3. As has been noticed in the aforesaid judgment is that Section 51(9) only prescribes for an application to be made to the financier for a “No Objection Certificate”. If no response is received, what is required by the person seeking renewal is a declaration that there was an application made and there is no response. If the petitioner files such a declaration along with

evidence to show that such application has been made, necessarily, the registering authority will have to consider Ext.P1 in accordance with law and in accordance with the observations made in the aforecited judgment.

4. The learned Government Pleader submits that there is a check report with respect to the vehicle. Definitely the same would have to be satisfied before renewal application is considered. The application shall be considered at any rate, within a period of three weeks from the date of receipt of a certified copy of this judgment, provided the “check report” is satisfied.

Writ petition is disposed of.

Sd/-
(K. VINOD CHANDRAN, JUDGE)

jma

//true copy//

P.A to Judge