

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.V.RAMAKRISHNA PILLAI

THURSDAY, THE 6TH DAY OF AUGUST 2015/15TH SRAVANA, 1937

WP(C).No. 8576 of 2015 (V)

PETITIONER :

**ABDU RAHIMAN P,
OTHAYANGOTT HOUSE,
P.O. MANIPURAM, KODUVALLY
KOZHIKODE.**

BY ADV. SRI.I.DINESH MENON

RESPONDENT(S) :

**1. THE REGIONAL TRANSPORT AUTHORITY
KOZHIKODE – 673001.**

**2. THE SECRETARY,
REGIONAL TRANSPORT AUTHORITY,
KOZHIKODE – 673 001.**

***ADDL. R3 IMPEADED**

***ADDL.R3. M/S.CANARA BANK
VELLIMADUKUNNU, KOZHIKODE - 673 004.**

***ADDL.R3 IMPEADED AS PER ORDER DATED 07.04.2015 IN IA 4925/15.**

**R1 & R2 BY GOVT. PLEADER SMT. K.A. SANJEETHA
R3 BY ADV. SRI.AJEESH S. BRITE**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 06-08-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

Mn

...2/-

WP(C).No. 8576 of 2015 (V)

APPENDIX

PETITIONERS' EXHIBITS :

EXHIBIT P1: TRUE COPY OF THE PERMIT ISSUED TO PETITIONER.

EXHIBIT P2: TRUE COPY OF THE RENEWAL APPLICATION DATED 6.11.2014.

EXHIBIT P3: TRUE COPY OF THE REQUEST FOR NOC DATED 12.1.2015.

EXHIBIT P4: TRUE COPY OF THE LETTER DATED 30.1.2015.

RESPONDENT(S)' EXHIBITS : NIL

//TRUE COPY//

P.A. TO JUDGE

Mn

A.V. RAMAKRISHNA PILLAI, J.

W.P.(C) No.8576 of 2015

Dated this the 6th day of August, 2015.

JUDGMENT

The petitioner is seeking a direction to the second respondent to consider Ext.P2 application for renewal.

2. Petitioner is the regular permit holder to operate on the route between Koduvally and Mukkom valid till 24.11.2014. Petitioner operates the service with stage carriage KL-57 A 3546. He preferred application for renewal of permit in time under Section 81 of the Motor Vehicles Act, 1988 on 06.11.2014. The vehicle KL-57 A 3546 covered by permit on the route in question is having valid hire purchase agreement with M/s Canara Bank, Vellimadukunnu. The petitioner further alleges that as per the provisions of the Motor Vehicles Act 1988, NOC from the financier is necessary for renewal of permit. Petitioner further points out that he had preferred a request before the Manager, Canara Bank, Vellimadukunnu as provided for under Section 51 of the Act for

the purpose of issuance the NOC. The said request was sent by registered post acknowledgment on 21.01.2015. However, no reply was received within the time stipulated under Section 51 of the Act. As per Section 51(7) of the Act, the financier had to reply within 7 days or else sanction would deemed to have been obtained. In the instant case, the respondent has replied by communication dated 30.01.2015 that they would consider the request only when the loan liability is closed in its entirety. The respondent has power to consider the matter by invoking powers under Section 51(9) of the Act. The petitioner points out that the authorities in case, consider the application for renewal, if no reply has been received from the financier or if the request for NOC has been rejected. It is with this background, the petitioner has come up before this Court.

3. Additional third respondent who is a financier was subsequently impleaded and it entered appearance.

4. I have heard the learned counsel for the petitioner, learned Senior Government Pleader and the learned counsel

for the additional third respondent in the matter.

As the learned counsel for the petitioner confined his argument to the limited prayer for a direction to the second respondent to consider Ext.P2 application, the writ petition is disposed of directing the second respondent to consider Ext.P2 application, after affording the petitioner and the additional third respondent, an opportunity of being heard within a period of three weeks from the date of receipt of a copy of this judgment.

Sd/-
A.V. RAMAKRISHNA PILLAI
JUDGE

Scl.