

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.K.JAYASANKARAN NAMBIAR

THURSDAY, THE 26TH DAY OF MARCH 2015/5TH CHAITHRA, 1937

WP(C).No. 9746 of 2015 (P)

PETITIONER :

**M/S.SHIRIRAM TRANSPORT FINANCE COMPANY LTD
GEETHA COMMERCIAL COMPLEX, NEAR YMCA
M.C. ROAD, KOTTAYAM
REPRESENTED BY ITS BRANCH MANAGER ANIL KUMAR.**

**BY ADVS.SRI.C.HARIKUMAR
SMT.C.B.ANUROOPA**

RESPONDENT(S) :

- 1. THE TRANSPORT COMMISSIONER
TRANSPORT COMMISSIONER'S OFFICE
TRANS TOWERS, VAZHUTHACAUD
THIRUVANANTHAPURAM - 695 001.**
- 2. THE DEPUTY TRANSPORT COMMISSIONER
OFFICE OF THE DEPUTY TRANSPORT COMMISSIONER
CENTRAL ZONE – II, KAKKANAD
ERNAKULAM – 682 021.**
- 3. JOINT REGIONAL TRANSPORT OFFICER
OFFICE OF THE JOINT REGIONAL TRANSPORT OFFICE
PALA, KOTTAYAM – 686 575.**

R1 TO R3 BY SR. GOVT. PLEADER SMT. SOBHA ANNAMMA EAPEN

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 26-03-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

Mn

...2/-

APPENDIX

PETITIONER'S EXHIBITS :

EXT.P1 : COPY OF THE ORDER OF THE 2ND RESPONDENT DATED 11.6.2014.

EXT.P2 COPY OF THE REVISION PETITION NO. 8 OF 2014 DATED ON 29.7.2014
ALONG WITH THE CHELAN RECEIPT DATED 4.8.2014.

EXT.P3 COPY OF THE STAY PETITION IN REVISION PETITION DATED ON
29.7.2014.

EXT.P4 COPY OF THE ARGUMENT NOTE DATED 2.2.2015 FILED BEFORE THE
1ST RESPONDENT BY THE PETITIONER.

EXT.P5 COPY OF THE ORDER NO. B1/17006/TC/14 DATED 11.2.2015 ISSUED BY
THE 1ST RESPONDENT.

RESPONDENT'S EXHIBITS : NIL

//TRUE COPY//

P.A. TO JUDGE

Mn

A.K.JAYASANKARAN NAMBIAR, J.

W.P.(C). No. 9746 of 2015

Dated this the 26th day of March, 2015

JUDGMENT

The challenge in the writ petition is against Ext.P5 order passed by the 1st respondent, in a revision filed by the petitioner against Ext.P1 order of the 2nd respondent. The sole ground for challenge against Ext.P5 order in the revision petition is that the said order is one, that is passed without considering the merits of the case of the petitioner. It is pointed out that in Ext.P5 order, the 1st respondent has rejected the revision petition solely on the ground that the petitioner was not able to produce some documents before the 1st respondent, within the time that was granted to him for production of the same.

2. I have heard the learned counsel for the petitioner and also the learned Government Pleader appearing for the respondents.

3. On a consideration of the facts and circumstances of the case and submissions made across the bar, I find that Ext.P5 order was passed by the 1st respondent in a revision petition filed against Ext.P1 order, where the petitioner had raised substantial contentions regarding the merits of the case. While in Ext.P5

order, there is a reference to an earlier hearing granted to the petitioner, the revision petition filed by the petitioner was subsequently dismissed only on the ground that the petitioner was not able to produce certain documents that he was directed to produce to substantiate his case on merits, within the time granted to him for production of the same. Even if it is a fact that the petitioner was not able to produce the documents within the time granted to him by the 1st respondent, nothing prevented the 1st respondent from considering the issue on merits and hearing the arguments of the petitioner on the day on which he proceeded to pass Ext.P5 order. Inasmuch as there is no consideration on merits, reflected in Ext.P5 order of the 1st respondent, I quash the same as vitiated by a non-application of mind. Accordingly, I direct the 1st respondent to pass fresh orders, in the revision petition preferred by the petitioner against Ext.P1 order, within a period of two months from the date of receipt of a copy of this judgment, after hearing the petitioner. To enable the 1st respondent to do so, I direct the petitioner to appear before the 1st respondent at his office at 11 AM on 20.04.2015.

Sd/-
A.K.JAYASANKARAN NAMBIAR
JUDGE