

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.V.RAMAKRISHNA PILLAI

THURSDAY, THE 21ST DAY OF MAY 2015/31ST VAISAKHA, 1937

WP(C).No. 10041 of 2015 (E)

PETITIONER :

**ASHRAF M.,
S/O. A.M.SALIM, TC 43/320(2), THAJ MANZIL
BALAVAN NAGAR, VALLAKADAVU P.O.
THIRUVANANTHAPURAM-695 008.**

BY ADV. SRI.O.D.SIVADAS

RESPONDENT(S) :

- 1. STATE OF KERALA
REPRESENTED BY THE SECRETARY, TRANSPORT DEPARTMENT
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM-695 001.**
- 2. THE REGISTERING AUTHORITY
THIRUVANANTHAPURAM-695 001.**
- 3. THE DEPUTY TRANSPORT COMMISSIONER (SOUTH ZONE)
THIRUVANANTHAPURAM-695 001.**

R1 TO R3 BY GOVT. PLEADER SMT. K.A. SANJEETHA

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 21-05-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

Mn

...2/-

WP(C).No. 10041 of 2015 (E)

APPENDIX

PETITIONERS' EXHIBITS :

- EXT. P1 : COPY OF THE SALE CERTIFICATE DTD.22.12.2014.**
- EXT. P2 : COPY OF THE DATA SHEET.**
- EXT. P3 : COPY OF THE TAX INVOICE DTD.19.12.2014.**
- EXT. P4 : COPY OF THE TEMPORARY REGISTRATION CERTIFICATE.**
- EXT. P5 : COPY OF THE APPLICATION FOR REGISTRATION SUBMITTED BY THE
PETITIONER. AN.**
- EXT. P6 : COPY OF THE PROCEEDING DTD.17.1.2015 OF THE 2ND RESPONDENT.**
- EXT. P7 : COPY OF THE PROCEEDINGS DTD.17.3.2015 OF THE 3RD
RESPONDENT.**
- EXT. P8 : COPY OF THE APPLICATION DTD.24.3.2015 SUBMITTED BEFORE THE
1ST RESPONDENT.**

RESPONDENT(S)' EXHIBITS : NIL

//TRUE COPY//

P.A. TO JUDGE

Mn

A.V. RAMAKRISHNA PILLAI, J.

W.P.(C) No.10041 of 2015

Dated this the 21st day of May, 2015.

JUDGMENT

The petitioner is the registered owner of a vehicle having temporary registration No.KL 05-AA-Temp-3966. He applied for re-registration of his vehicle with the registering authority, which was declined as per Ext.P6 proceedings for the reason that the overall height and weight of the body of the vehicle is above what has been permitted. Though the matter was taken in the appeal before the appellate authority concerned and the same was also rejected by Ext.P7.

2. When the matter came up for hearing, the learned counsel for the petitioner submitted that the petitioner has submitted an application under Rule 334 of the Kerala Motor Vehicle Rules before the Government. The learned counsel confined his argument to the limited prayer for a direction to the Government to hear and consider Ext.P8 application within a time frame.

3. I have heard the learned Government Pleader also in the matter.

Considering the nature of the submissions made in the petition, the writ petition is disposed of directing the first respondent to consider Ext.P8 application filed by the petitioner under Rule 334 of the Kerala Motor Vehicle Rules within a period of one month from the date of receipt of a copy of this judgment, after affording the petitioner an opportunity of being heard. It is open to the petitioner to produce a copy of the judgment and a copy of this writ petition before respondents 2 and 3 to facilitate an early action.

Sd/-
A.V. RAMAKRISHNA PILLAI
JUDGE

Scl.