

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.K.JAYASANKARAN NAMBIAR

THURSDAY, THE 9TH DAY OF APRIL 2015/19TH CHAITHRA, 1937

WP(C).No. 11371 of 2015 (V)

PETITIONER :

**K.PRASANNAKUMAR,
KANDENKAVIL HOUSE, MARATHAKKARA.P.O.,
THRISSUR, REPRESENTED BY POWER OF ATTORNEY,
A.A.JOHAR,S/O.ANTO, AINIKAL HOUSE, MARATHAKKARA.P.O.,
OLLUR, THRISSUR.**

BY ADV. SRI.I.DINESH MENON

RESPONDENT :

**THE REGIONAL TRANSPORT OFFICER/TAXATION OFFICER,
ERNAKULAM-682 030.**

BY SR GOVERNMENT PLEADER SMT. SOBHA ANNAMMA EAPEN

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 09-04-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

sts

WP(C).NO.11371/2015

APPENDIX

PETITIONER'S EXHIBITS:

- P1 COPY OF THE PERMIT IN RESPECT OF SC KL-8 AB 101.**
- P2 COPY OF THE RC BOOK OF KL-8-AB 101.**
- P3 COPY OF THE PROCEEDINGS DATED 4/4/2012**
- P4 COPY OF THE REPORT DATED 03/4/2013.**
- P5 COPY OF THE REQUEST SUBMITTED BY THE PETITIONER.**
- P6 COPY OF THE JUDGMENT DATED 5/3/2015 IN WP(C).NO.6922/2015.**
- P7 COPY OF THE PROCEEDINGS DATED 24/3/2015.**

RESPONDENT'S EXHIBITS: NIL

/TRUE COPY/

P.A.TO JUDGE

sts

A.K.JAYASANKARAN NAMBIAR, J.

W.P.(C).NO.11371 OF 2015

Dated this the 9th day of April, 2015

J U D G M E N T

The grievance of the petitioner in the writ petition is that when he had approached the respondent, pursuant to Ext.P6 judgment, for passing orders on the representation filed by him, the respondent passed Ext.P7 order wherein he insisted on the petitioner filing an affidavit, stating his willingness to remit tax at stage carriage rate as and when renewal of permit is granted by the RTO, Ernakulam, as a condition for considering his representation pursuant to Ext.P6 judgment. It is the contention of the petitioner that, insisting on such a requirement, as a precondition for considering the representation, flies in the face of the directions issued by this Court in Ext.P6 judgment.

2. I have heard the learned counsel for the petitioner and the learned Government Pleader for the respondent.

On a consideration of the facts and circumstances of the case as also the submissions made across the bar, I find that in Ext.P6 judgment, this Court had directed the respondent to consider and pass orders on Ext.P5 representation filed by the petitioner, within

a prescribed time frame. The respondent is therefore expected to pass orders on the representation, without insisting on further requirements to be complied with by the petitioner, as a precondition for the respondent passing the orders. I find that in Ext.P7 order, the respondent has insisted on the petitioner filing an affidavit as a precondition for his considering the representation of the petitioner and passing orders thereon. This, in my view, is not in order, and will not amount to a compliance with the directions in Ext.P6 judgment. Accordingly, I quash Ext.P7, and direct the respondent to pass an order on the representation preferred by the petitioner, within a period of three weeks from the date of receipt of a copy of this judgment, after hearing the petitioner.

A.K.JAYASANKARAN NAMBIAR
JUDGE

mns

