

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.V.RAMAKRISHNA PILLAI

THURSDAY, THE 4TH DAY OF JUNE 2015/14TH JYAISHTA, 1937

WP(C).No. 15409 of 2015 (A)

PETITIONER(S):

**MAHADEVAN .C., AGED 46 YEARS,
S/O.MANI, MANDHARATH HOUSE, OLLUR VILLAGE,
UNITED BAZAR, VALARKKAVU, KURIACHIRA P.O.,
PIN -680 006.**

**BY ADVS.SRI.G.SREEKUMAR (CHELUR),
SRI.K.R.ARUN KRISHNAN.**

RESPONDENT(S):

- 1. THE STATE OF KERALA,
REPRESENTED BY THE SECRETARY TO THE GOVERNMENT,
DEPARTMENT OF MOTOR VEHICLES, GOVT. SECRETARIAT,
THIRUVANANTHAPURAM-695 001.**
- 2. SECRETARY,
REGIONAL TRANSPORT AUTHORITY,
THRISSUR -680 001.**
- 3. THE REGIONAL TRANSPORT OFFICER,
THRISSUR-680 001.**

BY GOVERNMENT PLEADER SMT.K.A. SANJEETHA.

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 04-06-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

rs.

APPENDIX

PETITIONERS EXHIBITS

- EXHIBIT-P1: A TRUE COPY OF THE CERTIFICATE OF REGISTRATION IN THE NAME OF THE PETITIONER DATED NIL.**
- EXHIBIT-P2: A TRUE COPY OF THE CONTRACT CARRIAGE PERMIT IN THE NAME OF THE PETITIONER DATED 13.01.2015.**
- EXHIBIT-P3: A TRUE COPY OF THE CERTIFICATE ISSUED BY THE KUDUMBASREE DISTRICT MISSION, THRISSUR DATED 30.10.2014.**
- EXHIBIT-P4: A TRUE COPY OF THE AADHAR CARD ISSUED IN THE NAME OF THE PETITIONER DATED NIL.**
- EXHIBIT-P5: A TRUE COPY OF THE RATION CARD IN THE NAME OF THE PETITIONER DATED 28.01.2013.**
- EXHIBIT-P6: A TRUE COPY OF THE DRIVING LICENSE IN THE NAME OF THE PETITIONER DATED 15.03.2014.**
- EXHIBIT-P7: A TRUE COPY OF THE REPRESENTATION FOR GETTING PERMIT SUBMITTED BY THE PETITIONER BEFORE THE THIRD RESPONDENT DATED 31.12.2014.**
- EXHIBIT-P8: A TRUE COPY OF THE ORDER PASSED BY THE 2ND RESPONDENT DATED 25.04.2015.**
- EXHIBIT-P9: A TRUE COPY OF THE ORDER PASSED BY THIS HONOURABLE COURT IN W.P.(C) NO.8111 OF 2014 DATED 20.03.2014.**

RESPONDENTS EXHIBITS: NIL.

//TRUE COPY//

P.A. TO JUDGE

rs.

A.V. RAMAKRISHNA PILLAI, J.

W.P.(C) No. 15409 of 2015

Dated this the 4th day of June, 2015

J U D G M E N T

The petitioner has approached this Court aggrieved by the rejection of the petitioner's application for permit to ply three wheelers within the Thrissur town limits.

2. The petitioner, who is the owner of an autorikshaw bearing Reg.No.KL-08 BE 6507 and having regular permit No.8/117/2015, has submitted an application for variation of permit from panchayath area to city limit. The petitioner alleges that no decision has been taken on the said application though the application was submitted in 2014. After repeated representations, the petitioner was orally informed that the application of the petitioner could not be proceeded since the number of vehicles plying in the town limit has been increased. The petitioner alleges that he is the sole bread winner of the family and he purchased the vehicle from Kudumbasree

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District Mission, which is a scheme initiated by State Poverty Eradication Mission. According to him, being a resident within town limit, he is entitled to get the town permit.

3. I have heard the learned counsel for the petitioner and the learned Government Pleader in the matter.

4. It is pointed out by the learned counsel for the petitioner that the petitioner has previously approached this Court seeking an early consideration of his application for town permit; and this Court directed the respondents to pass appropriate orders on the application within a time limit. The learned counsel for the petitioner points out that the 2nd respondent has passed an order completely discarding the dictum laid down by this Court in **Rajesh v. Secretary, Regional Transport Authority** [2014 (3) KLT 341].

5. The petitioner has produced Ext.P9, which covers a similar situation. Therefore, this Court is of the

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view that the matter requires a re-look by the respondents.

Therefore, the writ petition is disposed of quashing Ext.P8, which is the impugned order, and directing the respondents to reconsider the application of the petitioner and to pass appropriate orders in the light of Ext.P9 judgment. This shall be done within a period of one month from the date of receipt of a copy of this judgment.

To facilitate an early action, it shall be open to the petitioner to produce a copy of the writ petition as well as a copy of this judgment along with a copy of Ext.P9 judgment before the respondents at the earliest.

Sd/-
A.V. RAMAKRISHNA PILLAI
JUDGE

bka/-