

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.V.RAMAKRISHNA PILLAI

WEDNESDAY, THE 10TH DAY OF JUNE 2015/20TH JYAISHTA, 1937

WP(C).No. 16153 of 2015 (T)

PETITIONER :

**SKVVHS SCHOOL, AGED 63 YEARS,
THRIKKANNAMANGAL, KOTTARAKARA,
KOLLAM DISTRICT REPRESENTED BY ITS MANAGER,
MOHANAKUMARA PILLAI, S/O KUTTAN PILLAI,
MUNDAKKALAZHIKATHU VEEDU, CHEMMANTHOOR, PUNALUR**

**BY ADVS.SRI.ALEXANDER GEORGE
SRI.D.SREEKUMAR (KALAMASSERY)**

RESPONDENTS :

- 1. REGIONAL TRANSPORT AUTHORITY
THIRUVANANTHAPURAM
REPRESENTED BY ITS SECRETAR - 695 001**
 - 2. THE JOINT REGIONAL TRANSPORT OFFICER
KOTTARAKARA - 691 506**
 - 3. THE MANAGER
ICICI BANK, THIRUVANANTHAPURAM BRANCH, VAZHUTHAKADU
NEAR GANAPATHI KOVIL ROAD,
THIRUVANANTHAPURAM - 695 014**
- R1 & R2 BY GOVERNMENT PLEADER SMT. K.A. SANJEETHA
R3 BY SRI.A.A.ZIYAD RAHMAN**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 10-06-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

bp

APPENDIX

PETITIONER(S)' EXHIBITS

- EXT.P1: THE TRUE COPY OF THE CERTIFICATE OF THE CERTIFICATE OF PERMIT ISSUED IN RESPECT OF THE VEHICLE NO. KL-2-T-3781.
- EXT.P2: THE TRUE COPY OF THE FORECELOSURE STATEMENT ISSUED BY THE THIRD RESPONDENT
- EXT.P3: THE TRUE COPY OF THE FORCELOSURE PAYMENT RECEIPT DATED 25/7/2005
- EXT.P4: TRUE COPY OF THE RENEWAL APPLICATION FILED BY THE PETITIONER BEFORE THE SECOND RESPONDENT ON 5/5/2015.
- EXT.P5: THE TRUE COPY THE APPLICATION FILED BY TE PETITIONER BEFORE THE SECOD RESPONDENT ON 19/5/2015.
- EXT.P6: THE TRUE COPY OF THE LETTER ISSUED BY THE PETITIONER TO THE THIRD RESPONDENT.
- EXT.P7: THE TRUE COPY OF THE APPLICATION FILED BY THE PETITIONER BEFORE THE SECOND RESPONDENT FOR TEMPORARY PERMIT

RESPONDENT(S)' EXHIBITS : NIL.

//TRUE COPY//

P.A. TO JUDGE

bp

A.V. RAMAKRISHNA PILLAI, J.

W.P.(C) No. 16153 of 2015

Dated this the 10th day of June, 2015.

JUDGMENT

The petitioner has come up before this Court alleging that the second respondent before whom the petitioner placed an application for temporary permit for plying his vehicle, has not been considered the same.

2. The petitioner herein is the Manager of the SKVVHS school at Thrikkannamangal, Kottarakara. He is also the registered owner of a bus bearing registration No.KL-02/T/3781. The said vehicle was purchased by the petitioner in the year 2004. The last permit was issued for the period from 28.10.2009 to 27.10.2014. The petitioner alleges that he availed a loan of Rs.5,00,000/- in the year 2004 from the third respondent. As per Ext.P2 foreclosure statement, the petitioner deposited an amount of Rs.3,58,373/- and towards the payment, the third respondent issued a foreclosure payment receipt to the petitioner on 25.7.2005. When the petitioner

submitted an application for renewing the permit on 5.5.2015, the petitioner came to know that the third respondent has not submitted any concurrence regarding the foreclosure or NOC. The third respondent informed that the foreclosure amount is mistakenly calculated and the petitioner was informed that if the amount of Rs.37,181/- along with the interest and late payment penalty is not paid, NOC would not be issued. It is alleged that the permit for the said bus was renewed on 28.10.2009 and at that time there was no objection from the side of the third respondent. It is alleged that the petitioner is not liable to pay any amount to the third respondent and as per Ext.P2 foreclosure balance statement, the petitioner paid the whole balance amount. Thereafter, the third respondent had not demanded any amount to the petitioner towards the loan amount. Without demanding the amount, they purposely kept in abeyance the NOC and other document till this time. As per the foreclosure balance statement, the third respondent is not entitled to get further amount from the petitioner as

arrears. The petitioner alleges that the amount claimed is barred by limitation. The petitioner is unable to remit the vehicle tax and fees for renewing the permit and fitness certificate. The petitioner filed an application before the second respondent for a temporary permit for plying the vehicle. If the permit is not issued that will seriously affect the reputation of the school and students; it is alleged.

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

4. The learned Government Pleader invited my attention to Ext.P6. It is a request from the petitioner to the respondent bank seeking NOC to obtain permit as prayed for. On a specific query put by me to the learned counsel for the respondent bank, it was submitted that the petitioner has not cleared the dues to the respondent bank and only on payment of the overdue amount that the bank would be in a position to issue NOC.

5. Though the learned counsel for the petitioner strenuously argued that no amount is due from the petitioner to the second respondent, Paragraph 5 of the writ petition reveals that on enquiry with the bank, the petitioner was informed that a sum of Rs.37,181/- was due from the petitioner towards loan amount. Though it is alleged that the foreclosure amount is mistakenly calculated, it has to be noted that no relief is sought for against the second respondent in this writ petition.

As it appears from the records that rejection of permit was on a valid ground, the writ petition is dismissed reserving the right of the petitioner to close the dues towards the second respondent and to get NOC. In the event of production of NOC, the same shall be considered by the first respondent and appropriate orders shall be passed on the same.

Sd/-
A.V. RAMAKRISHNA PILLAI
JUDGE

Scl.