

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ANIL K.NARENDRA

MONDAY, THE 28TH DAY OF SEPTEMBER 2015/6TH ASWINA, 1937

WP(C).No. 19132 of 2015 (N)

PETITIONER:

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

BY ADV. SRI.I.DINESH MENON

RESPONDENTS:

- 1. THE DEPUTY TRANSPORT COMMISSIONER,
CENTRAL ZONE-II, ERNAKULAM-682 030.**
- 2. THE REGIONAL TRANSPORT OFFICER,
ERNAKULAM-682 030.**

R1 AND R2 BY SENIOR GOVERNMENT PLEADER:SRI. T.J. MICHAEL

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 28-09-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

WP(C).No. 19132 of 2015 (N)

APPENDIX

PETITIONER(S)' EXHIBITS :

EXHIBIT P1 : COPY OF THE TAX ENDORSEMENT IN KL-8 AB 101.

EXHIBIT P2 : COPY OF THE JUDGMENT IN WP(C) NO.6922/2015 DATED 5/3/2015

EXHIBIT P3 : COPY OF THE PROCEEDINGS DATED 24/3/2015

EXHIBIT P4 : COPY OF THE JUDGMENT IN WP(C) NO.11371/2015 DATED 9/4/2015.

EXHIBIT P5 : COPY OF THE PROCEEDINGS DATED 2/5/2015.

**EXHIBIT P6 : COPY OF THE APPEAL MEMORANDUM DATED 16/6/2015 ALONG WITH
STAY PETITION AND CHALAN.**

RESPONDENT(S)' EXHIBITS: NIL

//TRUE COPY//

PA TO JUDGE

skr

ANIL K.NARENDRAN, J.

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W.P.(C). No. 19132 of 2015

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Dated this the 28th day of September, 2015

J U D G M E N T

The petitioner who is the registered owner of a stage carriage vehicle bearing registration number KL-08/AB 101 covered by a regular permit on the route Kumbalangi- Thrissur, which was valid till 31.12.2012 has filed this writ petition seeking a writ of certiorari to quash Ext.P5 proceedings of the Secretary of the Regional Transport Authority, Ernakulam, refusing him permission to remit tax at the rate applicable to non-transport vehicle in respect of stage carriage vehicle bearing number KL-8/AB 101. He has also sought for writ of mandamus, commanding the 1st respondent to pass final orders on Ext.P6 appeal preferred against Ext.P5.

2. By order dated 25.06.2015, this Court granted an interim order to the effect that coercive steps pursuant to Ext.P5 shall be deferred for a period of two weeks. The said interim order was thereafter extended from time to time and

finally extended for a further period of one month on 11.08.2015.

3. I have considered the contentions raised in the writ petition and also heard the learned Government Pleader appearing for respondents.

4. It is aggrieved by Ext.P5 order passed by the Secretary of the Regional Transport Authority, Ernakulam, the petitioner has filed Ext.P6 appeal under Section 23 of the Motor Vehicles Taxation Act, before the 1st respondent. If Ext. P6 appeal is still pending consideration, the 1st respondent shall consider and pass appropriate orders thereon, as expeditiously as possible, at any rate within a period of one month from the date of receipt of the certified copy of this judgment, with notice to the petitioner.

The writ petition is disposed of.

Sd/-
ANIL K.NARENDRA,
JUDGE.