

**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT:**

**THE HONOURABLE MR. JUSTICE A.V.RAMAKRISHNA PILLAI**

**WEDNESDAY, THE 22ND DAY OF JULY 2015/31ST ASHADHA, 1937**

**WP(C).No. 21438 of 2015 (D)**  
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**PETITIONER:**  
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**SASIKUMAR.M,AGED 51 YEARS,  
S/O.RAMANKUTTY (LATE),GEETHANJALI,  
KARUVATTOM,CHERPULASSERY,PALAKKAD DISTRICT.**

**BY ADV. SRI.SAJU J.VALLYARA**

**RESPONDENT:**  
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**REGIONAL TRANSPORT OFFICER,  
CIVIL STATION, PALAKKAD-679303.**

**BY GOVT. PLEADER SMT.K.A.SANJEETHA.**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION  
ON 22-07-2015, THE COURT ON THE SAME DAY DELIVERED THE  
FOLLOWING:**

**pto**

**APPENDIX**

**PETITIONER'S EXHIBITS:**  
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**EXT.P1:PHOTOCOPY OF THE LATEST AUTHORIZATION LETTER ISSUED BY THE  
MANUFACTURER M/S.'BAJAJ AUTO LTD.',AUTHORIZING 'GEETHANJALI  
AUTOMOBILES', CHERPULASSERY AS ITS DEALER DT.22-4-2014.**

**EXT.P2:PHOTOCOPY OF THE TRADE CERTIFICATE WITH NUMBER  
KL-09-TC-13-2007.**

**EXT.P3:PHOTOCOPY OF THE TRADE CERTIFICATE WITH NUMBER  
KL-09-TC-14-2007.**

**EXT.P4:PHOTOCOPY OF THE TRADE CERTIFICATE DATED 11.10.2012 WITH NUMBER  
KL-09-TC-35-2007.**

**EXT.P5:PHOTOCOPY OF THE TRADE CERTIFICATE DATED 11.10.2012 WITH NUMBER  
KL-09-TC-36-2007.**

**EXT.P6:PHOTOCOPY OF THE TRADE CERTIFICATE DATED 11.10.2012 WITH NUMBER  
KL-09-TC-37-2007.**

**EXT.P7:PHOTOCOPY OF THE TRADE CERTIFICATE DATED 11.10.2012 WITH NUMBER  
KL-09-TC-38-2007.**

**EXT.P8:PHOTOCOPY OF THE TRADE CERTIFICATE DT.25-6-2007.**

**EXT.P9:PHOTOCOPY OF THE REPORT FOR RENEWAL OF TRADE CERTIFICATE  
DT.2-7-2015 OF THE MOTOR VEHICLES INSPECTOR, OTTAPALAM.**

**EXT.P10:PHOTOCOPY OF THE RENEWED THE TRADE CERTIFICATE ISSUED TO  
NELLI MOTORS, DEALING WITH THE TWO WHEELERS MANUFACTURED BY  
TVS COMPANY WITH NUMBER KL-09-TC-3-2008.**

**EXT.P11:PHOTOCOPY OF THE RENEWED THE TRADE CERTIFICATE ISSUED TO  
NELLI MOTORS, DEALING WITH THE TWO WHEELERS MANUFACTURED BY  
TVS COMPANY WITH NUMBER KL-09-TC-4-2008.**

**EXT.P12:PHOTOCOPY OF THE INTERIM ORDER DT.27-1-2011 IN WPC 2631/2011.**

**EXT.P13:PHOTOCOPY OF THE INTERIM ORDER DT.17-4-2015 IN WPC 12555/2015.**

**RESPONDENT'S EXHIBITS:**  
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**NIL**

**//TRUE COPY//**

**P.S. TO JUDGE**

**A.V.RAMAKRISHNA PILLAI, J.**

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W.P(C) No.21438 of 2015

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Dated this the 22<sup>nd</sup> day of July, 2015

**JUDGMENT**

The petitioner is seeking a direction to the respondent to renew the trade certificate issued to his firm 'M/s.Geethanjali Automobiles', as was done from the year 2007 and 2012 onwards.

2. The petitioner's firm M/s.Geethanjali Automobiles, Cherpulassery was appointed as the dealer of M/s. Bajaj auto Ltd., to sell its vehicles at Cherpulassery during the year 2007. The trade certificate was initially issued by the office of the respondent from 1.6.2007 onwards to sell the vehicle which was continuously renewed from year to year basis on the basis of the authorisation letter issued by the manufacturer. As per Ext.P1 authorisation, the authorisation of the firm was again extended by the manufacture for a further period of 12 months from 9.5.2015.

3. The petitioner submitted application for renewal as early as on May as the period was to expire on 30.5.2015. However, the respondent did not take any action in spite of the petitioner approaching him on many occasions. The petitioner alleges when he approached the respondent to ascertain why the trade certificates are not renewed, the respondent stated that he has

doubts whether the petitioner firm is conducting sales only. According to the petitioner, the above apprehension is baseless and ill-motivated.

4. The petitioner further alleges that his firm is selling nearly 50 to 60 vehicles per month and is remitting nearly ₹20,000/- as sales tax in addition to service tax. When the R.T.O took similar objections in respect of another dealer at Pattambi and refused renewal of their Certificates, this Court issued Ext.P13 order, ordering renewal of Exts.P2 and P3 trade certificates issued to the firm. The respondent has given renewal to other dealers, who are similarly situated like the petitioner vide Exts.P10 and P11. Therefore, the action of the respondent in not granting renewal of Exts.P2 to P7 is highly illegal and arbitrary.

5. The petitioner points out that in identical circumstances, when the RTO rejected the renewal of trade certificates, this Court by Ext.P12 interim order in W.P(C) No.2631 of 2011 directed to renew the same. The petitioner further alleges that because of the refusal to renew the trade certificate, the petitioner would have to close down the firm.

6. It is stated that in the enquiry conducted by the respondent through field officers of the department, the petitioner is entitled for

renewal of trade certificates vide Ext.P9. The petitioner alleges that they are conducting the dealership without any room for complaint for the last several years. Hence, the petitioner is seeking similar interim orders as in Exts.P12 and P13.

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

8. The learned Senior Government Pleader on instructions submitted that the petitioner has not produced the original of the documents in support of the claim.

Therefore, the writ petition is disposed of directing the respondent to consider the petitioner's application for renewal within three weeks from the date of receipt of a copy of this judgment, on production of the original of the documents in support of the claim, if they were not already produced.

Sd/-  
**A.V.RAMAKRISHNA PILLAI**  
**JUDGE**

krj