

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE SHAJI P.CHALY

THURSDAY, THE 23RD DAY OF JULY 2015/1ST SRAVANA, 1937

WP(C).No. 21539 of 2015 (N)

PETITIONER:

**JAYARAJ,
S/O BALAKRISHNAN, H.NO. XXX11/1522, GEETHA VIHAR,
PALARIVATTOM, KOCHI. PIN-682 025**

BY ADV. SRI. PRASAD CHANDRAN

RESPONDENT(S):

- 1. THE REGIONAL TRANSPORT OFFICER,
OFFICE OF THE REGIONAL TRANSPORT AUTHORITY,
CIVIL STATION, KAKKANAD. PIN - 682 030**
- 2. THE REGIONAL MANAGER,
BALAJI FINANCE, KALATHI PILLAI STREET, SOWCARPET,
CHENNAI. PIN - 600 079**

R1 BY SENIOR GOVERNMENT PLEADER SMT. SANJEETHA

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 23-07-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C).No. 21539 of 2015 (N)

APPENDIX

PETITIONER(S)' EXHIBITS

EXT.P1: TRUE COPY OF THE REGISTRATION CERTIFICATE ISSUED TO THE PETITIONER.

EXT.P2: TRUE COPY OF THE LETTER ISSUED BY THE 2ND RESPONDENT DT. 13/01/15.

EXT.P3: TRUE COPY OF THE REGULAR PERMIT APPLICATION SUBMITTED BY THE PETITIONER DT. 16/06/15.

EXT.P4: TRUE COPY OF THE COVERING LETTER SUBMITTED BY THE PETITIONER SHOWING THE ENDORSEMENT BY THE 1ST RESPONDENT DT. 16/06/15.

RESPONDENT(S)' EXHIBITS - NIL

//TRUE COPY//

P.A. TO JUDGE

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SHAJI P. CHALY, J.

W.P.(C). No.21539 of 2015

Dated this the 23rd day of July, 2015

JUDGMENT

This writ petition is filed by the petitioner consequent to the return of the application seeking permit for a Bajaj Tempo light motor contract carriage vehicle bearing registration No.KL-07/C 6788. Even though petitioner has submitted Ext.P3 application dated 16.6.2015, the first respondent has returned the same for want of necessary non-objection certificate from the second respondent.

2. Heard the learned counsel for the petitioner and the learned Government Pleader for the 1st respondent.

3. The learned Government Pleader on instructions submits that as provided under Section 51(6) of the Motor Vehicles Act, without no objection certificate from the financier, the permit application cannot be considered. Learned counsel for the petitioner on the other hand submits that the first respondent authority can issue notice to Ext.P2 and consider Ext.P3

application for permit submitted by the petitioner.

4. In that view of the matter, I feel it is only appropriate that Ext.P3 application submitted by the petitioner can be directed to be considered after providing reasonable opportunity of hearing to the 2nd respondent also.

5. Therefore, I dispose of this writ petition directing the first respondent statutory authority to take a decision on Ext.P3 permit application submitted by the petitioner, after hearing the 2nd respondent financier also, within a period of three weeks from the date of receipt of a copy of this judgment.

Writ petition is disposed of accordingly.

Sd/-
SHAJI P. CHALY
JUDGE

smv