

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

WEDNESDAY, THE 21ST DAY OF JANUARY 2015/1ST MAGHA, 1936

WP(C).No. 27521 of 2014 (M)

PETITIONER(S):

1. SHIVAKAMI KUMAR,
D/O.RAMAN AND W/O.KUMAR,
AGED 32 YEARS, VARANGAMBADIOORU,
SHOLAYUR P.O., SHOLAYUR VILLAGE,
MANNARKKADU TALUK, PALAKKAD DISTRICT.
2. MURUGAN, S/O.RANGAN, AGED 25 YEARS,
VELLAKULAM OORU, SHOLAYUR P.O.,
MANNARKKADU TALUK, PALAKKAD DISTRICT.

BY ADV. SRI.P.M.ZIRAJ

RESPONDENT(S):

1. REGIONAL TRANSPORT OFFICER, PALAKKAD,
PALAKKAD DISTRICT-679303.
2. THE DISTRICT COLLECTOR,
PALAKKAD DISTRICT-679303.
3. DEPUTY SUPERINTENDENT OF POLICE,
AGALY, PALAKKAD DISTRICT-679303.

***ADDL. R4 IMPEADED**

4. THE TAHSILDAR, KOTTATHARA.

**ADDL. R4 IS SUO MOTU IMPEADED AS ORDER
DATED 11.11.2014 IN WP(C).**

BY GOVERNMENT PLEADER SRI.JOSEPH GEORGE

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 21-01-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

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APPENDIX

PETITIONER(S)' EXHIBITS:

- P1: TRUE COPY OF THE OWNERSHIP CERTIFICATE ISSUED BY THE SHOLAYUR GRAMA PANCHAYATH TO THE FATHER OF THE FIRST AND SECOND PETITIONERS MR.RANGAN DATED 25.8.2014.
- P2: TRUE COPY OF THE CERTIFICATE ISSUED BY THE SECRETARY, SHOLAYUR GRAMA PANCHAYATH DATED 17.5.2014 TO PROVE THE OWNERSHIP OF BUILDING BEARING NO.5/127 IS IN THE NAME OF THE FATHER OF FIRST AND SECOND PETITIONERS MR.RANGAN.
- P3: TRUE COPY OF THE APPLICATION SUBMITTED BY THE FIRST PETITIONER BEFORE THE FIRST RESPONDENT DATED 16.9.2014.
- P4: TRUE COPY OF THE APPLICATION DATED 20.8.2014 SUBMITTED BY THE SECOND PETITIONER BEFORE THE SECOND RESPONDENT.
- P5: TRUE COPY OF THE COMPLAINT SUBMITTED BY THE SECOND PETITIONER BEFORE THE THIRD RESPONDENT DATED 26.8.2014.

RESPONDENT(S)' EXHIBITS:

- ANNEXURE A : TRUE PHOTOCOPY OF RESIDENCE DATED 13.10.2008 AND ISSUED BY VILLAGE OFFICER, KOTTATHARA.
- ANNEXURE B : TRUE PHOTOCOPY OF AFFIDAVIT SUBMITTED BY CHINNA DURAI.

/TRUE COPY/

P.S. TO JUDGE

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P.R. RAMACHANDRA MENON, J.

.....
W.P.(C)No.27521 OF 2014
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Dated this the 21st January, 2015

J U D G M E N T

The petitioner has approached this Court with the following prayers:

"i) issue a writ of mandamus or any other appropriate writ, order or direction directing the first respondent to consider and dispose exhibit P3 application submitted by the first petitioner within a reasonable period which this Honourable Court may deem fit and proper in the interest of justice and circumstances of the case.

2. Direct the second respondent to consider and dispose exhibit P4 application submitted by the second petitioner within a reasonable period which this Honourable Court may deem fit and proper in the interest of justice and circumstances of the case.

3. Direct the third respondent to consider and dispose exhibit P5 application submitted by the second petitioner within a reasonable period which this Honourable Court may deem fit and proper in the interest of justice and circumstances of the case.

4 . Direct the first respondent to cancel the registration certificate, permit and licence of Chinnadurai showing the address of the first

and second petitioners and direct him to take appropriate action for registering a crime for preparing forged documents and obtained registration certificate and permit on the basis of forged documents.

5. Issue such other writ or orders or directions, which this Honourable Court may deem fit and proper in the interest of justice and circumstances of the case. "

2. The relief sought for by the petitioner was sought to be opposed from the part of the respondents. Pursuant to the interim order dated 28.10.2014, a statement has been filed on behalf of the first respondent /Regional Transport Officer . Relevant portions of the said statement, as given in paragraphs 2 and 4 are in the following terms:

"2. In the above Writ Petition, the petitioner pointed out that Registration Certificate of one stage carriage [KL.03 J 2018] is obtained by producing bogus address proof. On verification, it was found that the registration was effected by showing a temporary address as given below:

*Chinna Durai R.P.,
S/o.Palaniyappa Chettiar
5/127 Sholayur, Kottathara P.O.,*

Mannarkkad.

*Certificate of residence issued by Village Officer, Kottathara (Certificate No.2324/08 dated 13.10.2008) and an affidavit filed by Shri Chinna Durai got attested by Notary Public were produced to prove the residence of Mr. Chinna Durai in the above address. The stage carriage bearing Registration No.KL.03 J 2018 was registered by showing the above mentioned address as evidenced by copy of Residence Certificate of Village Officer , Kottathara and copy of affidavit filed by Chinna Durai got attested by Notary Public. The true photocopy of Certificate of Residence dated 13.10.2008 and issued by Village Officer, Kottathara is produced herewith as **Annexure A**. True photocopy of the affidavit submitted by the above mentioned Chinna Durai is produced herewith as **Annexure B**.*

xxx xxx xxx xxx

4. *Prima facie, it is found that the document produced by Mr.R.P. Chinna Durai, S/o. Palaniyappa Chettiar, 16/2, Saravana Nagar, TVS Nagar Road, Velandipalayam, Coimbatore -25 in support of the temporary address is genuine. In the latest enquiry, it is revealed that presently Sri Chinna Durai is not residing temporarily (at the above temporary*

address) or permanently in the territorial jurisdiction of Kottathara Village. "

3. In the above facts and circumstances, this Court finds that the reliefs sought for by the petitioner are not liable to be entertained. The writ petition stands dismissed accordingly.

**P.R.RAMACHANDRA MENON
JUDGE**

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