

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.HARILAL

MONDAY, THE 7TH DAY OF DECEMBER 2015/16TH AGRAHAYANA, 1937

WP(C).No. 32665 of 2015 (G)

PETITIONER:

**K.K.PHILIP, ADVOCATE,
NEW BUS STAND COMPLEX BUILDING,
THALASSERY, TALASSERY.P.O,
KANNUR DISTRICT-670101.**

BY ADV. SRI.SERGI JOSEPH THOMAS

RESPONDENT(S):

- 1. THE TRANSPORT COMMISSIONER,
MOTOR VEHICLES DEPARTMENT,
TRANS TOWER, VAZHUTHACUD,
THIRUVANANTHAPURAM-695014.**
- 2. THE JOINT REGIONAL TRANSPORT OFFICER,
THALASSERY, TALASSERY.P.O-670101.**

BY SENIOR GOVERNMENT PLEADER SMT.K.A.SANJEETHA

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 07-12-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

mbr/

WP(C).No. 32665 of 2015 (G)

APPENDIX

PETITIONER(S)' EXHIBITS:

**P1 : TRUE COPY OF THE DUPLICATE OF THE DRIVING LICENCE NO.1/2713/1989
DATED 20/12/2010 ISSUED TO THE PETITIONER.**

**P2 : TRUE COPY OF THE DRIVING LICENCE NO.1/2713/1989 DATED 11/07/2015
ISSUED TO THE PETITIONER.**

**P3 : TRUE COPY OF THE REPRESENTATION DATED 22.08.2015 SUBMITTED BY
THE PETITIONER BEFORE THE SECOND RESPONDENT.**

P4 : TRUE COPY OF LETTER DATED 11/09/2015 OF THE SECOND RESPONDENT.

RESPONDENT(S)' EXHIBITS: **NIL**

//TRUE COPY//

P.S. TO JUDGE

mbr/

K. HARILAL, J.

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W.P. (C) No.32665 of 2015

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Dated this the 7th day of December, 2015

J U D G M E N T

The petitioner was the holder of driving licence No.1/2713/1989, issued by the Joint Regional Transport Officer, Thalassery, the 2nd respondent herein. Subsequently, the period of the above licence was expired and the same was surrendered before the 2nd respondent for renewal. Thereafter, the 2nd respondent issued driving licence No.1/2713/1989 dated 20.12.2010, renewing it from 29.01.2010 to 28.01.2015. Thereafter, the original of the above renewed licence was lost and the petitioner applied for a duplicate licence. Thereupon, the 2nd respondent issued Ext.P1 duplicate driving licence dated 20.12.2010, to the petitioner endorsing the word 'DUPLICATE'. On 04.07.2015, the petitioner applied for renewal of the above licence and the 2nd respondent issued Ext.P2

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driving licence to the petitioner, renewing the same for a further period from 06.07.2015 to 05.07.2020. In Ext.P2 licence also the the 2nd respondent has endorsed the word 'DUPLICATE'. Aggrieved by the endorsement 'DUPLICATE' in the driving licence, the petitioner submitted Ext.P3 representation, before the 2nd respondent, requesting to remove the endorsement 'DUPLICATE' from Ext.P2 licence. But, the 2nd respondent, as per Ext.P4 letter dated 11.09.2015, informed the petitioner that since the original driving licence has been lost, even if the same is renewed, the same can be issued only after endorsing the word 'DUPLICATE'. This is the grievance projected in this Writ Petition and the petitioner filed this Writ Petition, seeking a direction to the respondent, to remove the endorsement 'DUPLICATE' from Ext.P2 licence, issued to the petitioner.

2. The respondent filed a counter statement, admitting the issuance of renewed licence with the endorsement 'DUPLICATE'. But, contended that as per

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Rule 35 of the Kerala Motor Vehicles Rules, 1989 (*hereinafter referred to as 'the Rules'*), when a duplicate driving licence is issued, the endorsement 'DUPLICATE' must be made in the licence itself and the said Rule is applicable in the case where renewal is made on the lost renewed duplicate licence also.

3. Heard learned counsel for the petitioner and learned Government Pleader.

4. The facts are not disputed. It stands admitted that after the expiry of the original licence, the petitioner has applied for renewing the original licence and a renewed licence was granted to him. But, later, that renewed licence was irrecoverably lost from his custody and subsequently, he filed application for renewal of the renewed original licence. According to Rule 35 of the Rules, when a duplicate driving licence is issued, it shall be clearly stamped as 'DUPLICATE' in red and it should be marked with the date of issuance of the duplicate and the seal of the licensing authority. The question is,

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whether the mandate under the Rule 35 of the Rules is applicable in a case where the renewal is sought for from a duplicate renewed licence. In my view, so long as the original renewed licence stands lost irrecoverably, all subsequent renewal made on the lost renewed licence shall also be endorsed with 'DUPLICATE'. Rule 35 of the Rules must be interpreted in such a way so long as the original renewed licence stands lost. If that be so, I do not find any kind of unreasonableness or irrationality in insisting the endorsement 'DUPLICATE' in all the subsequent renewals.

In the above view of the matter, this Writ Petition is dismissed.

Sd/-

K. HARILAL,
JUDGE

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//True copy//

P.A. To Judge