

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.HARILAL

THURSDAY, THE 10TH DAY OF DECEMBER 2015/19TH AGRAHAYANA, 1937

WP(C).No. 36462 of 2015 (G)

PETITIONER(S):

JOSEPH PAUL AGED 54 YEARS
S/O.JOSEPH, PALLIPPATT HOUSE, S.ANGADI
KORATTY P.O., THRISSUR.

BY ADV. SRI.G.PRABHAKARAN

RESPONDENT(S):

1. THE SECRETARY
REGIONAL TRANSPORT AUTHORITY
CUM REGIONAL TRANSPORT OFFICER (RTO)
THRISSUR -680 003.
2. THE REGIONAL TRANSPORT AUTHORITY
THRISSUR REPRESENTED BY ITS SECRETARY -680 003.

R BY ADV.K.A.SANJEETHA, SENIOR GOVERNMENT PLEADER

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
10-12-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C).No. 36462 of 2015 (G)

APPENDIX

PETITIONER(S) ' EXHIBITS

EXT.P-1: TRUE COPY OF THE R.C BOOK WITHITS VEHICLE NO.KL8/AE 2006
EXT.P-2: TRUE COPY OF THE NATIONAL ALL INDIAN PERMIT APPLICATION
EXT.P-3: TRUE COPY OF THE CHELAN RECEIPT DATED 2.11.2015
EXT.P-4: TRUE COPY OF THE INTIMATION ISSUED BY THE RTO THRISSUR
WITHITS
NO.C16/88197/2015/R DATED 26.11.2015
EXT.P-5: TRUE COPY OF THE ATTACHMENT ORDER NO.OP(ARB) NO.389/2012
DATED 2.4.2012

RESPONDENT(S) ' EXHIBITS

NIL

TRUE COPY

SKS

P.A. TO JUDGE

K.HARILAL, J.

W.P(C)NO. 36462 OF 2015

Dated this the 10th day of December, 2015

JUDGMENT

The petitioner is the registered owner of a goods carriage bearing registration No.KL/8-AE-2006 and he applied for the grant of a national goods permit for the aforesaid vehicle by Ext.P2 application. According to the petitioner, for the grant of a fresh regular permit as evidenced by Ext.P2 application, no NOC is required as per Sec.51 of the Motor Vehicles Act, even if there is an endorsement in the R.C Book, regarding the hire purchase/hypothecation agreements. But the first respondent insisting for NOC of the financier in contravention to the aforesaid rules. Therefore, no order has been passed on Ext.P2 and issued Ext.P4 communication requiring the petitioner to produce NOC of the financier, Shriram Finance Company Ltd. This is the grievance projected in this writ petition.

2. Having gone through Sec.51 of the Motor Vehicles Act, it is submitted by the learned counsel for the petitioner that NOC of the financier is not required to issue a fresh permit. If it be so, the production of NOC is not required to issue a fresh permit.

3. In the above view of the matter, the respondents are directed to consider and pass orders on Ext.P2 without insisting the production of NOC of the financier, within a period of one month from the date of receipt of a copy of this judgment. It is made clear that if any delegation under rule or notification, the Secretary, RTA also can pass appropriate order.

This writ petition is disposed of accordingly.

sks

K.HARILAL, JUDGE