

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.K.JAYASANKARAN NAMBIAR

WEDNESDAY, THE 2ND DAY OF DECEMBER 2015/11TH AGRAHAYANA, 1937

WP(C).No. 36482 of 2015 (I)

PETITIONER :

**NITHIN
DIRECTOR
M/S. NENCO HOSPITALITY MANAGEMENT LTD (OPC)
VALAMATTOM ESTATE, RAVIPURAM, KOCHI-682 015.**

**BY ADVS.SRI.G.HARIHARAN
SRI.PRAVEEN H.**

RESPONDENT(S) :

- 1. THE ADDITIONAL REGISTERING AUTHORITY
REGIONAL TRANSPORT OFFICE, KAKKANAD
ERNAKULAM-682 030.**
- 2. THE REGIONAL TRANSPORT OFFICER
CIVIL STATION, KAKKANAD, ERNAKULAM-682 030.**
- 3. THE TRANSPORT COMMISSIONER
TRANS TOWERS, VAZHUTHACAUD
THIRUVANANTHAPURAM-695 001.**

R1 TO R3 BY GOVT. PLEADER SMT. K.T. LILLY

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 02-12-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

Mn

...2/-

WP(C).No. 36482 of 2015 (I)

APPENDIX

PETITIONERS' EXHIBITS :

- EXT. P1 :** COPY OF THE CERTIFICATE OF THE INCORPORATION DTD.30.9.2014
ISSUED BY THE REGISTRAR OF COMPANIES, KERALA, ERNAKULAM.
- EXT. P2 :** COPY OF THE REGISTRATION CERTIFICATE OF VEHICLE
NO.KL-27/5721.
- EXT. P3 :** COPY OF THE CIRCULAR DTD.23.9.2015 ISSUED BY THE TRANSPORT
COMMISSIONER.
- EXT. P4 :** COPY OF THE ORDER DTD.20.11.2015 BY THE 1ST RESPONDENT
REJECTING THE REQUEST MADE BY THE PETITIONER FOR
RECLASSIFYING THE VEHICLE MENTIONED IN EXT.P2 AS A CAMPERS
VAN.
- EXT. P5 :** PHOTOGRAPHS OF VEHICLE NO.KL-27/5721 WITH INTERIORS
PROVIDED AS SPECIFIED ABOVE.

RESPONDENT(S)' EXHIBITS : NIL

//TRUE COPY//

P.A. TO JUDGE

Mn

A.K.JAYASANKARAN NAMBIAR, J.

W.P.(C). No. 36482 of 2015

Dated this the 2nd day of December, 2015

JUDGMENT

The challenge in the writ petition is against Ext.P4 order passed by the 1st respondent on an application preferred by the petitioner for change in classification of his vehicle for the purposes of payment of tax under the Kerala Motor Vehicle Taxation Act. The grievance of the petitioner against Ext.P4 is essentially that, Ext.P4 is a non speaking order, in that it does not cite the reasons that weighed with the 1st respondent, while rejecting the application of the petitioner for a classification change in respect of the vehicle.

2. I have heard the learned counsel appearing for the petitioner and also the learned Government Pleader appearing for the respondent.

3. On a consideration of the facts and circumstances of the case as also the submissions made across the bar, I find from Ext.P4 order that, other than referring to various notifications issued by the Government of India as also the directions issued by the Transport Commissioner, Kerala, the order does not indicate how the aforesaid notifications and direction would operate against

the petitioner for rejecting his application for a change of classification of vehicle. I am of the view that, when an application requesting for change of classification of a vehicle is rejected by the 1st respondent, the 1st respondent should indicate as to what were the shortcomings in the application preferred by the petitioner that necessitated a rejection of the request contained therein. Inasmuch as the said exercise has not been done in Ext.P4 order, I quash the same and direct the 1st respondent to pass fresh orders in the matter, after hearing the petitioner. To enable the respondent to do so, I direct the petitioner to appear before the 1st respondent at his Office at 11 AM on 18.12.2015. The 1st respondent shall pass orders as directed, within one month thereafter.

The writ petition is disposed as above.

Sd/-
A.K.JAYASANKARAN NAMBIAR
JUDGE