

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.HARILAL

TUESDAY, THE 8TH DAY OF DECEMBER 2015/17TH AGRAHAYANA, 1937

WP(C).No. 37083 of 2015 (I)

PETITIONER:

**NIJO FRANCIS, S/O.FRANCIS,
AGED 30 YEARS, PULIYANTHURUTHY HOUSE,
EDATHALA.P.O., ALUVA, ERNAKULAM DISTRICT.**

**BY ADVS.SRI.P.M.JOSHI
SMT.SIJI K.PAUL
SMT.ELIZABETH KOSHY**

RESPONDENT(S):

- 1. THE SECRETARY TO THE TRANSPORT DEPARTMENT,
GOVERNMENT OF KERALA, SECRETARIAT,
THIRUVANANTHAPURAM - 695 001.**
- 2. THE TRANSPORT COMMISSIONER,
TRANSPORT TOWER, VAZHUTHAKKAD,
THIRUVANANTHAPURAM - 695 001.**
- 3. THE DEPUTY TRANSPORT COMMISSIONER,
CENTRAL ZONE-1, AYYANTHOLE, THRISSUR - 680 003.**
- 4. THE REGIONAL TRANSPORT AUTHORITY PALAKKAD,
CIVIL STATION, PALAKKAD, PIN - 678 001.**
- 5. THE REGIONAL TRANSPORT AUTHORITY IDUKKI,
CIVIL STATION, IDUKKI, PAINAVU - 685 589.**
- 6. THE REGIONAL TRANSPORT AUTHORITY ERNAKULAM,
CIVIL STATON, KAKKANAD - 682 030.**

BY SENIOR GOVERNMENT PLEADER SMT.K.A.SANJEETHA

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 08-12-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

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APPENDIX

PETITIONERS' EXHIBITS:

- EXT. P1 : THE TRUE COPY OF THE GOODS CARRIAGE PERMIT DATED 21.7.2011
ISSUED TO PETITIONER.
- EXT. P2 : THE TRUE COPY OF THE PHOTOGRAPHS.
- EXT. P3 : THE TRUE COPY OF THE COMPLAINT DATED 16.11.2015 SUBMITTED
TO 2ND RESPONDENT.
- EXT. P4 : THE TRUE COPY OF THE SAID RECEIPT DATED 18.11.2015 ISSUED
FROM THE OFFICE OF TRANSPORT COMMISSIONER.
- EXT. P5 : THE TRUE COPY OF THE COMPLAINT DATED 16.11.2015 SUBMITTED
TO THE MINISTER FOR TRANSPORT.

RESPONDENTS' EXHIBITS: NIL.

//TRUE COPY//

P.S. TO JUDGE

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K. HARILAL, J.

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W.P. (C) No.37083 of 2015

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Dated this the 8th day of December, 2015

J U D G M E N T

The petitioner is the owner of a goods vehicle bearing registration No.KL-7/AU-5543 and he is the driver of the vehicle also. The petitioner is doing transporting business; i.e., transporting fruits, vegetables, textiles, foot wares and flowers from Bangalore and also from other States to Kerala. The petitioner submits that certain tourist vehicles illegally undertaking transporting of goods from outside States to Kerala violating permit conditions. They are transporting goods in large quantity on the top of the vehicle as well as in the baggage space and in sometimes inside the vehicle also. They are

-: 2 :-

transporting goods evading tax and hence, business people in the State of Kerala are entrusting tourist buses for transporting goods, because they are benefited by way of evading tax and comparatively lesser rate. As it is an additional income to tourist buses, they undertake transportation of goods at lesser rates. It is also submitted that these tourist buses are entering to Kerala, either through Valayar check post, or through Govindapuram check post understanding with the men at check post. Thus, because of the illegal transportation of goods through tourist buses, the livelihood of petitioner and similar other persons is being badly affected and they are struggling to pay the bank loan as well as maintain their family. So also, huge financial loss is being caused to the State exchequer.

2. Aggrieved by the illegal activity of the tourist

-: 3 :-

bus operators, the petitioner and others approached the 2nd respondent and submitted Ext.P3 complaint, stating the real problem they are facing and gave the registration numbers of the tourist buses, doing illegal transportation of goods for sale. They have also submitted Ext.P5 complaint, to the Honourable Minister for Transport Department and the Minister forwarded the complaint to the 2nd respondent for enquiry and action. The grievance of the petitioner is that the 2nd respondent has not yet taken any action on Ext.P3 complaint, despite the long lapse of time.

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

4. Going by the averments in the Writ Petition, it is seen that the petitioner has pointed out a serious issue, which deserves to be enquired and addressed by

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the 2nd respondent forthwith. In the above view of the matter, the 2nd respondent is directed to consider and pass orders on Ext.P3, within a period of one month, from the date of receipt of a copy of this judgment, after affording an opportunity of being heard, to the petitioner.

This writ petition is disposed of accordingly.

Sd/-

**K. HARILAL,
JUDGE**

DST

//True copy//

P.A. To Judge