IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE N.NAGARESH

WEDNESDAY, THE 3RD DAY OF APRIL 2024 / 14TH CHAITHRA, 1946

WP(C) NO. 13569 OF 2024

PETITIONER:

ARUN M.R.
AGED 34 YEARS
S/O RAVEENDRAN, MAHESWARI HOUSE, VELLATHODI, PURAVATHUR P.O., KOZHIKODE., PIN - 673611
BY ADV SAJEEV KUMAR K.GOPAL

RESPONDENT/S:

1 THE SECRETARY, REGIONAL TRANSPORT AUTHORITY, CIVIL STATION PO, EDAPALLY PANAVEL HIGHWAY,KANNUR ., PIN - 670002

2 SHIJIL PAYKUTTYKANDY
S/O JANARDHANAN, VELLEN HOUSE, EKKAL, MAMBA,KANNUR., PIN – 673513

SRI. S.GOPINATHAN, SR.GP

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 03.04.2024, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

N. NAGARESH, J.

W.P.(C) No.13569 of 2024

Dated this the 3rd day of April, 2024

J U D G M E N T

The petitioner is registered owner of a stage carriage No.KL-76A-5022. Based on a lease agreement, the possession of the vehicle was handed over to the second respondent so as to utilize the vehicle in the regular permit of the second respondent on the route Kannur-Irikkur. However, since the second respondent had violated the condition enumerated in the lease, the vehicle was returned to the petitioner and the petitioner is presently holding the vehicle.

2. As long as the endorsement regarding the lease agreement is there, the petitioner is not in a position to use the vehicle for any purposes. So, the petitioner submitted Exhibit P2 request before the first respondent seeking to cancel the

endorsement regarding the lease thereby the vehicle can be released from the permit also. Though Exhibit-P2 representation submitted on 13-12-2023, no further steps had taken by the first respondent to consider Exhibit P2. Hence, the writ petition.

3. I have heard the learned counsel for the petitioner and the Government Pleader representing the first respondent. In view of the nature of the reliefs to be granted in the writ petition, notice to the second respondent is dispensed with.

4. The petitioner's grievance is that inspite of cancellation of lease of the vehicle by the petitioner, the second respondent is running stage carriage. It is in this regard that Ext.P2 representation has been submitted. In the facts of the case, it will only be proper that the first respondent considers Ext.P2 representation in accordance with law with due notice to the second respondent.

The writ petition is therefore disposed of directing the first respondent to consider Ext.P2 representation submitted by the

petitioner and take appropriate decision thereon with notice to the second respondent within a period of six weeks from the date of receipt of a copy of this judgment.

Sd/-

N.NAGARESH
JUDGE

Sbna/

APPENDIX OF WP(C) 13569/2024

PETITIONER EXHIBITS

Exhibit P1	TRUE COPY OF THE REGISTRATION CERTIFICATE IN RESPECT OF STAGE CARRIAGE KL-76A-5022.
Exhibit P2	TRUE COPY OF THE REPRESENTATION SUBMITTED BY THE PETITIONER BEFORE THE 1ST RESPONDENT DATED 13-12-2023.