

A.Kumar vs the Secretary, Regional Transport Authority

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Court : Kerala

Decided On : Aug-26-2020

Judge : Honourable Mr. Justice Raja Vijayaraghavan V

Appeal No. : WP(C)/14507/2020

Appellant : A.Kumar

Respondent : The Secretary, Regional Transport Authority

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE RAJA VIJAYARAGHAVAN V WEDNESDAY, THE 26TH DAY OF AUGUST 2020 / 4TH BHADRA, 1942 WP(C).No.14507 OF 2020(K) PETITIONER : A.KUMAR, S/O. ANGAMUTHU CHETTIAR, T.B. ROAD, VADAKANCHERRY, ALATHUR TALUK, PALAKKAD DISTRICT-678683. BY ADVS. SRI.G.HARIHARAN SRI.PRAVEEN.H. SRI.V.R.SANJEEV KUMAR RESPONDENTS: 1 THE SECRETARY, REGIONAL TRANSPORT AUTHORITY, PALAKKAD- 678001. 2 JOINT REGIONAL TRANSPORT OFFICER, SUB REGIONAL TRANSPORT OFFICE, ALATHUR, PALAKKAD DISTRICT-678541.

SRI K.P HARISH, SENIOR GOVERNMENT PLEADER THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 26.08.2020, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: WP(C).No.14507 OF 2020 2

JUDGMENT

The petitioner is the owner of a stage carriage bearing No. KL-9-T-1919, the permit of which is valid till 29.6.2024 and is evident from Ext.P1. Since the vehicle made mention of in Ext.P1 was not roadworthy, he filed Ext.P2 application seeking replacement of the said vehicle with a vehicle bearing No. KL-47-F-6399. He contends that he has been issued with a Form G report issued by the Motor Vehicles Inspector which speaks about the garaging of the vehicle covered under Ext.P1. His grievance is that the application for replacement of the vehicle is not being considered on the ground that the outgoing vehicle does not have a valid fitness certificate. His prayer in this application is to direct the 1st respondent to consider Ext.P2 application for replacement without insisting for the production of the fitness certificate. Much reliance is placed on a decision of this Court in Regional Transport Authority, Ernakulam and Another v. Shaju [2017 KHC 4853].

2. The learned Government pleader on instructions submitted that

there are tax arrears in respect of the outgoing vehicle and unless the dues are remitted, the 1st respondent will not be in a position to access the PARIVAHAN site. It is also submitted that the validity of the permit of the outgoing vehicle had expired as early as on 8.4.2020. WP(C).No.14507 OF 2020 3

3. In response, Sri.G. Hariharan, the learned counsel submitted that the limited prayer of the petitioner is the consideration of Ext.P2 on its merits.

4. Having regard to the facts and circumstances and the submissions

made before this Court, this writ petition is disposed of directing the 1st respondent to consider Ext.P2 application on its merits and in consonance with law, and pass orders in an expeditious manner within a period of 5 weeks from the date of receipt of a copy of this judgment. The petitioner shall also be afforded an opportunity of being heard.

The petitioner shall produce a copy of this judgment along with the writ petition before the 1st respondent for further action. SD/- RAJA VIJAYARAGHAVAN V JUDGE PS WP(C).No.14507 OF 2020 4 APPENDIX PETITIONER'S/S EXHIBITS: EXHIBIT P1 TRUE COPY OF THE PERMIT ISSUED BY THE RTA, PALAKKAD RELATING TO BUS NO.KL-9-T- 1919 WHICH IS VALID UPTO 29.06.2024. EXHIBIT P2 TRUE COPY OF THE APPLICATION DATED 06.06.2020 FILED BY THE PETITIONER FOR REPLACEMENT OF VEHICLE NO. KL-9-T-1919 WITH VEHICLE NO. KL-47F-6399. EXHIBIT P3 TRUE COPY OF THE REGISTRATION CERTIFICATE RELATING TO THE OUTGOING VEHICLE NAMELY NO. KL-9-T-1919. EXHIBIT P4 TRUE COPY OF THE REGISTRATION CERTIFICATE

OF THE INCOMING VEHICLE BEARING REGISTRATION NO KL-47F-6399 REGISTERED IN THE NAME OF THE PETITIONER. EXHIBIT P5 TRUE COPY OF THE FITNESS CERTIFICATE ISSUED RELATING TO BUS NO.KL-9-T-1919 EXHIBIT P6 TRUE COPY OF FORM G FINAL REPORT ISSUED BY THE AMVI ATTACHED TO THE 2ND RESPONDENT OFFICE ABOUT THE GARAGING OF THE VEHICLE AS ON -07.07.2020. RESPONDENT'S/S EXHIBITS: NIL //TRUE COPY// P.A.TO JUDGE

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