

IN THE HIGH COURT OF KERALA AT ERNAKULAM  
PRESENT

THE HONOURABLE MR. JUSTICE GOPINATH. P.

TUESDAY, THE 12<sup>TH</sup> DAY OF MAY, 2020/22<sup>ND</sup> VAISAKHA, 1942

W.P(C) NO.9786 OF 2020

PETITIONERS

1. DEVASSIKUTTY, S/O.KORATH,  
AGED 63 YEARS,  
VATTAPARAMBAN HOUSE,  
KODASSERY, KUTTICHIRA P.O.,  
CHALAKKUDY TALUK, THRISSUR DISTRICT.  
(OWNER OF LORRY BEARING REGISTRATION NO.KL-41-E-8492)
2. SANDEESH, SON OF PUSHPAKARAN,  
AGED 32 YEARS,  
RESIDING AT CHITTIYATH HOUSE,  
NAYARANGADI, KODASSERY, THRISSUR DISTRICT.  
(OWNER OF LORRIES BEARING  
REGISTRATION NO.KL-41-E-2502 AND KL-64-E-2408)
3. PRAJEESH, SON OF PRABHAKARAN,  
AGED CHITTIYATH, NAYARANGADI,  
KODASSERY, THRISSUR DISTRICT.  
(OWNER OF LORRIES BEARING  
REGISTRATION NO.KL-64-F-6567 AND KL-64-G-6046)

BY ADV. SRI.P.M.ZIRAJ

RESPONDENTS

1. THE SUB REGIONAL TRANSPORT OFFICER,  
CHALAKKUDY, THRISSUR DISTRICT-680724
2. THE REGIONAL TRANSPORT OFFICER,  
THRISSUR, PIN-680003
3. THE TRANSPORT COMMISSIONER,  
DEPARTMENT OF MOTOR VEHICLES,  
STATE OF KERALA,  
THIRUVANANTHAPURAM-695 001
4. STATE OF KERALA  
REPRESENTED BY SECRETARY TO GOVERNMENT,  
MOTOR VEHICLE DEPARTMENT,

GOVERNMENT OF KERALA,  
GOVERNMENT SECRETARIAT,  
THIRUVANANTHAPURAM-695 001

R1-4 BY SRI. GOVERNMENT PLEADER  
SRI.K.P.HARISH

THIS WRIT PETITION HAVING COME UP FOR ADMISSION ON  
12.05.2020, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

**Dated this the 12th day of May, 2020**

**JUDGMENT**

The petitioners are stage carriage operators. The grievance of the petitioners is that services such as issuance of permit, change of ownership of vehicle, fitness certificate, payment of road tax, endorsement of hypothecation or its deletion etc. are not being processed by the motor vehicle department on the ground that certain check reports are pending against the vehicles in question. The learned Govt. Pleader on instruction submits that the department has not denied any service to the petitioners and that they have not approached the department with any request for availing any service as on date. The learned counsel for the petitioners would invite my attention to the judgment of this Court in **Kerala**

**Bus Transport Association and another vs. Transport Commissioner reported in 2013 (1) KHC 384** and state that it has been declared in that judgment that the pendency of check reports cannot be a ground for denying the aforesaid services to the owner of the vehicle. In the facts and circumstances of the case, and taking note of the declaration of law by this court in the judgment reported in **2013 (1) KHC 384**, I dispose of this writ petition directing the respondents to ensure that the pendency of check reports shall not be treated as a bar for the petitioners availing the services such as renewal of permit, issuance of new permit, fitness certificate, transfer of ownership, endorsement of hypothecation or its deletion or receipt of tax due on the vehicle. The above direction is not to be treated as in any manner interdicting any action by the department

on the check reports against the individual vehicles/owners. All such proceedings shall be continued and concluded in accordance with the law.

This Writ Petition is disposed of as above.

**GOPINATH.P, JUDGE**

pm

APPENDIX

PETITIONER EXHIBITS

EXHIBIT P1:- TRUE COPY OF THE REGISTRATION CERTIFICATE OF LORRY BEARING REGISTRATION NO. KL-41-E-8492

EXHIBIT P3:- TRUE COPY OF THE REGISTRATION CERTIFICATE OF LORRY OF SECOND PETITIONER BEARING REGISTRATION NO. KL-64-E-2408

EXHIBIT P4:- TRUE COPY OF THE REGISTRATION CERTIFICATE OF LORRY OF THIRD PETITIONER BEARING REGISTRATION NO.KL-64-F-6567

EXHIBIT P5:- TRUE COPY OF THE REGISTRATION CERTIFICATE OF LORRY OF THIRD PETITIONER BEARING REGISTRATION NO. KL-64-G-6046

EXHIBIT P6 :- TRUE COPY OF THE JUDGMENT DATED 16.1.2020 IN WPC NO.1175/2020

RESPONDENTS EXHIBITS: NIL