

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE GOPINATH.P.

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

W.P(C) NO. 9846 OF 2020

PETITIONER:

RAHIYANATH,
AGED 40 YEARS,
W/O LATE MUHAMMAD ASHRAF,
YARTHUMKANDI HOUSE,
A.R. NAGAR, KUNNUMPURAM,
MALAPPURAM DISTRICT.

BY ADV. M R SASITH PANICKER

RESPONDENTS :

1. THE REGIONAL TRANSPORT OFFICER,
SUB-REGIONAL TRANSPORT OFFICE,
THIRURANGADI,
MALAPPURAM DISTRICT, PIN 676306
2. SHIHABUDEEN A.P. ,
S/O MUHAMMAD HAJI,
YARTHUMKANDI HOUSE,
A.R.NAGAR, KUNNUMPURAM,
MALAPPURAM DISTRICT. PIN -676305

BY 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:

JUDGMENT

This Writ Petition is filed praying for a direction to the first respondent to consider and pass orders on Ext.P4 representation within a time limit to be fixed by this Court. It is the case of the petitioner that a vehicle belonging to her late husband was fraudulently transferred to the name of the second respondent. It appears that a criminal case has already been registered in this regard and further that through Ext.P3 order, interim custody of the vehicle in question has been released to the petitioner under Section 451 of the Code of Criminal Procedure.

2. In the facts and circumstances of the case, there will be a direction to the first respondent to consider and pass orders on Ext.P4 representation after affording an opportunity of hearing to the petitioner and the second respondent. Considering the present lockdown situation such hearing may be conducted through telephone as well. Both parties are permitted to E-Mail to the first respondent such documents as they wish to rely on in support of their respective cases. The first respondent shall take note of these documents and the submissions made over telephone while deciding Ext.P4 representation. Needless to say the first respondent will also examine the authenticity of the documents

submitted by either side. The first respondent shall endeavour to pass orders on Ext.P4 as above within a period of one month from the date of receipt of a copy of this judgment.

This Writ Petition is disposed of as above.

**P.GOPINATH
JUDGE**

csi

APPENDIX

PETITIONER'S EXHIBITS:

1. EXT- P1- TRUE COPY OF THE REGISTRATION DETAILS OF THE VEHICLE BEARING REGISTERED NUMBER KL-14-M-9822
2. EXT -P2- TRUE COPY OF THE FIR REGISTERED AS CRIME NO. 52/2020 OF THIRURANGADI POLICE STATION DATED 20.01.2020
3. EXT-P3- TRUE COPY OF THE ORDER PASSED BY THE HON'BLE JUDICIAL FIRST CLASS MAGISTRATE COURT-I AT PARAPPANANGADI IN CMP NO. 875/2020 DATED 10.02.2020
4. EXT-P4- TRUE COPY OF THE REPRESENTATION SUBMITTED BY THE PETITIONER TO THE 1ST RESPONDENT DATED 22.02.2020