

(2012) 06 KL CK 0080
In the High Court Of Kerala
Case No : WP (C) . No. 11985 of 2012 (W)

R. Thulaseedharan

APPELLANT

Vs

The Regional Transport Authority and Prasanna Kumar

RESPONDENT

Date of Decision : 12-06-2012

Acts Referred:

Citation : (2012) 06 KL CK 0080

Hon'ble Judges : K. Surendra Mohan, J

Bench : Single Bench

Advocate : O.D. Sivadas, for the Appellant; C.R. Sivakumar and Sri G. Gopakumar, Government Pleader, for the Respondent

Final Decision : Allowed

Judgement

K. Surendra Mohan, J.—The petitioner has filed this Writ Petition aggrieved by Ext.P1 order by which a joint application submitted by him and the owner of a stage carriage bearing Registration No. KL 16/D 4144 for transfer of permit has been rejected. The application has been rejected only for the reason that a suit, O.S. No. 315 of 2011 is pending before the Munsiff's Court, Varkala. According to the petitioner, the 1st respondent has not considered any of the matters that are germane for consideration of the joint application for transfer of permit. Therefore, it is contended that Ext.P1 is unsustainable. The 2nd respondent has entered appearance and has filed a counter affidavit contesting the claim of the petitioner. According to him, the petitioner had influenced his aged mother and had forged her signature to submit an application for transfer of the permit. Therefore, he had filed a suit wherein ownership of the vehicle is the central issue.

2. I have heard the learned Government Pleader also.

3. A reading of Ext.P1 shows that the application for transfer of permit submitted by the petitioner has been rejected mechanically for the sole reason that a civil suit O.S. No. 315 of 2011 is pending before the Munsiff's Court, Varkala. The

issues that arise for determination in the said suit can await the decision of the civil court. However, for the purpose of granting a transfer of permit, the same cannot be considered to be a relevant factor that requires consideration. The impugned order does not refer to or consider the relevant factors that are required to be considered for the grant of the request for transfer of permit. For the above reasons, Ext.P1 cannot be sustained. This Writ Petition is accordingly allowed, Ext.P1 is set aside. The 1st respondent is directed to consider the joint application for transfer of permit submitted by the petitioner afresh after hearing the petitioner as well as the 2nd respondent herein, within a period of two months from the date of receipt of a copy of this judgment.