



2026:KER:55481

**IN THE HIGH COURT OF KERALA AT ERNAKULAM****PRESENT****THE HONOURABLE MR. JUSTICE BECHU KURIAN THOMAS****THURSDAY, THE 23<sup>RD</sup> DAY OF JULY 2026 / 1ST SRAVANA, 1948****WP(C) NO. 20858 OF 2026****PETITIONER :**

**NIRMAL MATHEW BABU,  
AGED 42 YEARS,  
S/O. BABU GEORGE,  
PADINJAREKUDIYIL HOUSE,  
RAJAKUMARI.P.O,  
IDUKKI DISTRICT, PIN - 685 619.**

**BY ADV SMT.BABY NANDHINI K.**

**RESPONDENTS :**

- 1 STATE OF KERALA  
REPRESENTED BY ITS SECRETARY,  
TRANSPORT DEPARTMENT,  
TRIVANDRUM, PIN - 695 001.**
- 2 REGIONAL TRANSPORT OFFICER  
REGIONAL TRANSPORT OFFICE,  
KAKKANAD, ERNAKULAM, PIN - 682 030.**

**BY ADV GOVERNMENT PLEADER SRI.ANIRUDH KADAVIL**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON  
23.07.2026, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**



2026:KER:55481

**BECHU KURIAN THOMAS, J.****W.P.(C) No.20858 of 2026****Dated this the 23<sup>rd</sup> day of July, 2026****JUDGMENT**

Petitioner claims to be the registered owner of a motor vehicle bearing registration No.KL-69/D-9002. He alleges that he has been asked over telephone, to appear before the Motor Vehicles Department along with his driving licence, RC book and other documents relating to the said vehicle. Petitioner seeks a direction to the respondents not to harass, intimidate or summon him, otherwise than in accordance with law.

2. A statement has been filed on behalf of the second respondent stating that when credible information relating to the unsafe and improper use of a motor vehicle is received, the authorities under the Motor Vehicle Act 1988, has to verify the same by conducting an appropriate preliminary enquiry. It is stated that a complainant who wanted to remain anonymous to the public, approached the Regional Transport Officer, Ernakulam and submitted a written complaint alleging that the vehicle bearing registration No.KL-69/D-9002 was driven in a rash and dangerous manner, causing obstruction and inconvenience to other road users. The 2<sup>nd</sup> respondent thereafter directed the Motor Vehicle



2026:KER:55481

Inspector [MVI] concerned to conduct a preliminary enquiry into the matter, who thereupon contacted the petitioner over telephone and requested him to appear before him along with the relevant documents. The direction was, according to the 2<sup>nd</sup> respondent purely as a preliminary, non-coercive administrative step, intended to ascertain the facts, before any further action could be considered, and no coercive proceedings have been initiated against the petitioner. According to the second respondent, the complainant's request for confidentiality was taken into consideration during the preliminary stage of the enquiry and hence his identity has not been disclosed.

3. I have heard Sri.Baby Nandhini K., the learned counsel for the petitioner as well as Sri.Anirudh Kadavil, the learned Government Pleader.
4. Admittedly, an oral intimation was made through telephone, calling upon the petitioner to appear before the Motor Vehicles Department along with the documents relating to his vehicle. A complaint has apparently been submitted personally to the 3<sup>rd</sup> respondent, alleging rash and dangerous driving, in a manner causing obstruction and inconvenience to other road users. When such a complaint alleging an offence punishable under BNS 2023 is received by any authority, it is for the police to investigate. The respondents could not point out any provision of law under the Motor Vehicles Act enabling the second respondent or the Motor Vehicle Inspector to investigate into a



2026:KER:55481

complaint alleging rash or dangerous driving. The offences specified in Chapter XIII of the Motor Vehicles Act, 1988 can only be investigated by the police, that too, after a first information report. As far as Section 19 and Section 53 of MV Act are concerned, those proceedings cannot be initiated on the basis of any hidden complaint or without a proper notice.

5. The circumstances, arising in the case can certainly create apprehension in the mind of the petitioner. Furthermore, the identity of the complainant is not revealed, nor has a copy of the complaint even produced. The identity and complaint are both apparently withheld to ensure confidentiality. This Court cannot countenance such a contention. Anonymity for a complainant or hiding a complaint are matters unknown to law. Such an approach amounts to arbitrariness. Hence, the petitioner is entitled for the relief sought for.

Accordingly, there will be a direction to the second respondent or anybody acting under him, not to harass, intimidate or summon the petitioner except otherwise than in accordance with law.

The writ petition is allowed as above.

sd/-  
**BECHU KURIAN THOMAS**  
**JUDGE**



2026:KER:55481

APPENDIX OF WP(C) NO. 20858 OF 2026

**PETITIONER EXHIBITS**

- |                   |                                                                                                        |
|-------------------|--------------------------------------------------------------------------------------------------------|
| <b>EXHIBIT P1</b> | <b>THE TRUE COPY OF THE APPLICATION SUBMITTED UNDER THE RIGHT TO INFORMATION ACT DATED 05/05/2026.</b> |
| <b>EXHIBIT P2</b> | <b>TRUE COPY OF THE REPLY FURNISHED BY THE OFFICE OF THE FIRST RESPONDENT DATED 8/05/2026.</b>         |
| <b>EXHIBIT P3</b> | <b>TRUE COPY OF THE COMMUNICATION/REPLY DATED 16/05/2026.</b>                                          |