

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

FRIDAY, THE 27TH DAY OF FEBRUARY 2015/8TH PHALGUNA, 1936

WP(C).No. 5344 of 2015 (P)

PETITIONER(S):

**P.K.MUHAMMED,
S/O.KAMMU, AGED 53, POTTAMMAL
KUTTIPURAM, THIROOR TALUK
MALAPPURAM DISTRICT-679 571.**

**BY ADVS.DR.V.N.SANKARJEE
SRI.V.N.MADHUSUDANAN
SRI.S.SIDHARDHAN
SRI.PRATHAP. S.R.K.
SMT.R.UDAYA JYOTHI**

RESPONDENT(S):

- 1. THE REGIONAL TRANSPORT OFFICER,
MALAPPURAM-676 503.**
- 2. THE REGIONAL TRANSPORT AUTHORITY,
MALAPPURAM-676 503.**

BY GOVERNMENT PLEADER SRI.R.RENJITH

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 27-02-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

PJ

APPENDIX

PETITIONER(S)' EXHIBITS

- EXT.P1: TRUE COPY OF THE REGISTRATION DETAILS OF THE PETITIONER'S VEHICLED ISSUED BY THE MOTOR VEHICLES DEPARTMENT.**
- EXT.P2: TRUE COPY OF THE FIR NO.315/2009 WITH FIS REGISTERED BY THE VALANCHERY POLICE.**
- EXT.P3: TRUE COPY OF FORM NO.29 DATED 3.11.2011.**
- EXT.P4: TRUE COPY OF THE REPRESENTATION DATED 29.1.2015 SUBMITTED BY THE PETITIONER TO THE RESPONDENT.**
- EXT.P5: TRUE COPY OF THE POSTAL RECEIPT AND ACKNOWLEDGMENT DATED 30.1.2015 IN RESPECT OF EXT.P-4.**

RESPONDENT(S)' EXHIBITS

NIL.

/ TRUE COPY /

P.S. TO JUDGE

PJ

K. VINOD CHANDRAN, J

W.P(C) No.5344 OF 2015

Dated this the 27th day of February, 2015

J U D G M E N T

The petitioner seeks consideration of Ext.P4 representation filed for re-issuance of a permit. Immediately it is to be noticed that the re-issuance of permit is an impermissible exercise under the Motor Vehicles Act, 1988 or under the Kerala Motor Vehicles Rules, 1989. On facts, it is to be noticed that the petitioner had a regular permit which he surrendered pursuant to an accident to the vehicle as early as on 2009. The petitioner had also transferred the vehicle after obtaining clearance certificate at Ext.P3.

2. Now the petitioner intends to purchase a new vehicle and hence has sought for re-issuance of permit. Rule 183 of the KMV Rules specifically mandates that on surrender of a permit by the holder, the permit shall be deemed to have been cancelled with effect from the date of such surrender. Hence there is no permit now in existence for reissue.

3. If the petitioner desires to ply a stage carriage, then, the petitioner will have to apply for a fresh regular

permit. The mere fact that the timings in which the earlier permit was operated, is still vacant, does not confer any right on the petitioner to either ask for re-issuance of a permit or even ask for preferential consideration of regular permit application. The regular permit application if at all filed, would have to be considered on the existing law applicable.

The writ petition would stand dismissed.

Sd/-
(K. VINOD CHANDRAN, JUDGE)

jma

//true copy//

//P.A to Judge//