IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

THURSDAY, THE 9TH DAY OF APRIL 2015/19TH CHAITHRA, 1937

WP(C).No. 11372 of 2015 (V)

PETITIONER(S):

1. **NISHANT**
   S/O. TYAGI,
   MOOLAVALLIPARAMBU,
   KARUVASSERY
   KOZHIKODE.

2. **SEEMA G. MENON**
   KARUTHEDATH HOUSE,
   THIRUVANKULAM
   ERNAKULAM.

BY ADV. SRI.I.DINESH MENON

RESPONDENT(S):

1. **THE REGIONAL TRANSPORT AUTHORITY,**
   KANNUR – 670 001.

2. **THE SECRETARY**
   REGIONAL TRANSPORT AUTHORITY
   KANNUR – 670 001

R1 & R2 BY GOVT. PLEADER SRI. R. RANJITH

THIS CONTEMPT OF COURT CASE (CIVIL) HAVING COME UP FOR ADMISSION ON 09-04-2015, ALONG WITH CON.CASE(C). No. 538 of 2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

Mn

...2/-

WP(C).No. 11372 of 2015 (V)

APPENDIX

PETITIONER'S EXHIBITS :

EXT.P1 : COPY OF THE REGULAR PERMIT ISSUED TO THE PETITIONER.

EXT.P2 COPY OF THE JUDGMENT IN WP(C) NO. 29269/2013 DATED 28.11.2014.

EXT.P3 COPY OF THE NOTICE DATED 18.3.2014.

EXT.P4 COPY OF THE TRANSFER APPLICATION DATED 5.5.2014.

EXT.P5 COPY OF THE JUDGMENT IN WP(C) NO. 17888/2014 DATED 17.7.2014.

EXT.P6 COPY OF THE REQUEST DATED 25.7.2014 AS DIRECTED IN WP(C) NO. 17888/2014.

EXT.P7 COPY OF THE MEMORANDUM IN WP(C) NO. 26811/2014 DATED 13.10.2014 WITHOUT EXHIBITS.

EXT.P8 COPY OF THE JUDGMENT IN WP(C) NO. 26811/2014 DATED 24.10.2014.

EXT.P9 COPY OF THE PROCEEDINGS DATED 11.2.2015.

RESPONDENT'S EXHIBITS : NIL

//TRUE COPY//

P.A. TO JUDGE

Mn

K. VINOD CHANDRAN, J

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W.P(C) No. 11372 of 2015 &
Cont.Case (C) No.538 of 2015 in
W.P(C) No.26811 of 2014

- -

Dated this the 09th day of April, 2015

J U D G M E N T

The petitioners are aggrieved with Ext.P9 order against which a contempt petition has also been filed which is disposed of along with the writ petition. The 1st petitioner is a permit holder whose permit is valid till 06.10.2016, in which the vehicle endorsed had registration No.KL 13Q 3507. The 1st petitioner obtained a clearance certificate of the vehicle as directed in Ext.P2 judgment, with a consequential direction to produce an alternate vehicle by 18.07.2014.

2. The first petitioner having not been able to procure the vehicle agreed to transfer the permit to the 2nd petitioner and filed a joint application for transfer of permit as is evidenced at Ext.P4. The petitioners were also before this Court claiming consideration of the same. This Court in Ext.P5 judgment directed

consideration of the replacement application and in view of the fact that the last date for production of current records of the vehicle was fast approaching; being 18.07.2014, it was also directed that if an application for extension is filed the same be considered favourably. The 1st petitioner then filed an application for extension of production of current records as is evidenced at Ext.P6 and filed a writ petition for consideration of the same. That was also granted in Ext.P8. It was also directed that if the RTA is not able to consider the application in a properly convened timing conference, then, the same has to be done by circulation.

3. Ext.P9 has now been passed however, rejecting the application for transfer on the ground that the permit itself stood revoked on no vehicle being produced within time. This goes against the spirit of the judgments passed in the matter and produced in the writ petition.

4. The learned Government Pleader on instruction

submits that Ext.P9 was passed on a mistaken impression. In such circumstance, the learned Government Pleader, again, on instruction from the RTA, submits that Ext.P9 order would be withdrawn and fresh consideration would be made in accordance with the judgments produced at Exts.P5 and P8, within a period of one month from today, either in a properly convened timing conference or by circulation. The submission made on behalf of the RTA is recorded.

The writ petition is disposed of on the above terms and the Contempt Petition would stand closed in accordance with such undertaking. No costs.

Sd/-
(K. VINOD CHANDRAN, JUDGE)

jma //true copy//

P.A to Judge