

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

WEDNESDAY, THE 8TH DAY OF APRIL 2015/18TH CHAITHRA, 1937

WP(C).No. 11810 of 2015 (A)

PETITIONER :

**ASOKADAS,
SON OF KESAVAN,4/804,
EZHUTHACHAN VEEDU, PUTHUR,
PALAKKAD.**

**BY ADVS.SRI.P.SANTHOSH KUMAR (TR)
SRI.T.PSAJAN**

RESPONDENT :

**THE DISTRICT EXECUTIVE OFFICER,
KERALA MOTOR TRANSPORT WORKERS WELFARE FUND BOARD,
PALAKKAD-678 001**

BY ADV.SRI.K.S.MANU

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 08-04-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

sts

WP(C).NO.11810/2015

APPENDIX

PETITIONER'S EXHIBITS:

- P1 COPY OF THE REGULAR PERMIT IN RESPECT OF STAGE CARRIAGE VEHICLE KL-12/D 6179.**
- P2 COPY OF THE PERMIT IN RESPECT OF STAGE CARRIAGE VEHICLE KL-12/D 6179 TRANSFERRED TO THE NAME OF SUBRAMANIAN.**
- P3 COPY OF THE RC PARTICULARS OF VEHICLE KL-12/D 6179 TRANSFERRED IN THE NAME OF HENSON**
- P4 COPY OF THE COMMUNICATION VIDE REF NO. KMT/09/SCH/002165 DATED 18/2/2015.**

RESPONDENT'S EXHIBITS:

NIL

/TRUE COPY/

P.A.TO JUDGE

sts

K. VINOD CHANDRAN, J

W.P(C) No. 11810 of 2015

Dated this the 08th day of April, 2015

J U D G M E N T

The petitioner obtained transfer of a permit and was operating a stage carriage owned by him in the said permit. The petitioner had approached for issuance of clearance certificate for selling the vehicle. The petitioner was told that a clearance certificate would be issued only if the dues with respect to two other vehicles are satisfied.

2. The vehicle owned by the petitioner on which the clearance certificate was claimed bears registration No. KL 12 D 6179 and the vehicles in which the dues are to be paid has registration No. KL 10 L 405 and KL 4 K 9745. Obviously such claim has been made, since the said vehicles in which dues are pending to the board were also earlier operated in the permit. The charge as created under the Act runs only on the vehicle and there can be no liability cast of the permit holder if there is such transfer

effected on the permit alone. Admittedly the vehicle owned by the petitioner does not have any dues under the Kerala Motor Transport Workers Welfare Fund Act, 1985. The petitioners' vehicle cannot be denied clearance certificate on the ground that the vehicles, which were operated on a permit, which the petitioner had obtained by valid transfer; have dues. In such circumstance the petitioner shall be issued with clearance certificate of the vehicle KL12D 6179 provided there is no dues in the said vehicle, within a period of two weeks from today.

Writ petition is disposed of.

Sd/-

(K. VINOD CHANDRAN, JUDGE)

jma

//true copy//

P.A to Judge