

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

FRIDAY, THE 10TH DAY OF APRIL 2015/20TH CHAITHRA, 1937

WP(C).No. 12099 of 2015 (J)

PETITIONER(S):

**ABDUL HAKKIM, AGED 74 YEARS
S/O KATTY
KALARIPARAMBIL HOUSE, VANIYAKKAD
KOTTUVALLY, MANNAM P.O, NORTH PARUR**

**BY ADVS.SRI.M.JITHESH MENON
SMT.K.INDU (POURNAMI)**

RESPONDENT(S):

**1. THE REGIONAL TRANSPORT AUTHORITY
ERNAKULAM, CIVIL STATION, KAKKANAD
KOCHI - 30**

**2. THE SECRETARY, REGIONAL TRANSPORT AUTHORITY
ERNAKULAM, CIVIL STATION, KAKKANAD
KOCHI - 30.**

R BY GOVERNMENT PLEADER BIJU MEENATTOOR

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 10-04-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

APPENDIX

PETITIONERS EXHIBITS:

- EXT.P1 COPY OF THE DEATH CERTIFICATE DATED 19.2.15.**
- EXT.P2 COPY OF THE REGULAR PERMIT HELD BY THE DECEASED PERMIT
HOLDER MUJEEB RAHIMAN ON THE ROUTE NORTH PARUR BUS STAND -
KALOOR BY STAGE CARRIAGE KL-5/U-592.**
- EXT.P3 COPY OF THE REGULAR PERMIT HELD BY THE DECEASED PERMIT
HOLDER MUJEEB RAHIMAN ON THE ROUTE MUNAMBAM - ERNAKULAM
BY STAGE CARRIGAE KL-2/T-1684.**
- EXT.P4 COPY OF THE REGULAR PERMIT HELD BY THE DECEASED PERMIT
HOLDER MUJEEB RAHIMAN ON THE ROUTE AND NORTH PARUR - HIGH
COURT BY STAGE CARRIAGE KL-7/AN-2605.**
- EXT.P5 COPY OF THE INTIMATION SUBMITTED BY THE PETITIONER DATED
23.2.15.**
- EXT.P6 COPY OF THE INTIMATION SUBMITTED BY THE PETITIONER DATED
23.2.15.**
- EXT.P7 COPY OF THE INTIMATION SUBMITTED BY THE PETITIONER DATED
23.2.15.**
- EXT.P8 COPY OF THE RELATIONSHIP CERTIFICATE ISSUED BY THE KOTTUVALLY
VILAGE OFFICER DATED 26.2.15.**
- EXT.P9 COPY OF THE APPLICATION SUBMITTED BY THE PETITIONER FOR
TRANSFER OF THE PERMIT HELD BY THE DECEASED SON TO HIS NAME
DATED 23.3.15.**
- EXT.P10 COPY OF THE APPLICATION SUBMITTED BY THE PETITIONER FOR
TRANSFER OF THE PERMIT HELD BY THE DECEASED SON TO HIS NAME
DATED 23.3.15.**
- EXT.P11 COPY OF THE APPLICATION SUBMITTED BY THE PETITIONER FOR
TRANSFER OF THE PERMIT HELD BY THE DECEASED SON TO HIS NAME
DATED 23.3.15.**
- EXT.P12 COPY OF THE AFFIDAVIT SWORN BY THE OHER LEGAL HEIRS GIVING
THEIR CONSENT FOR TRANSFER OF OWNERSHIP TO THE PETITIONER'S
NAME DULY EXECUTED BEFORE A NOTARY PUBLIC DATED 17.3.15.**

RESPONDENTS EXHIBITS: NIL

// TRUE COPY //

PA to Judge

SB

K. VINOD CHANDRAN, J.
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W.P.(C) No.12099 of 2015 - J
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Dated this the 10th day of April, 2015

J U D G M E N T

The petitioner is the father of a regular permit holder, who expired on 01.02.2015. The petitioner's son had regular permits in different routes evidenced at Exts.P2 to P4. As evidenced by Ext.P1, the permit holder died on 01.02.2015. The petitioner by Exts.P5 to P7 intimated the death of his son to the appropriate authority and had been carrying on the operations in the routes. The petitioner also filed transfer application to transfer the permit in the name of the petitioner evidenced by Exts.P9 to P11. Ext.P8 relationship certificate was also produced along with the affidavit of the other relatives, shown in the certificate, which is evidenced at ExtP12. The petitioner's contention is that, the authority is insisting on a legal heirship certificate.

2. The issue whether a legal heirship can be

insisted upon has been dealt with in **Bhagyalakshmi v. R.T.A, Palakkad [2010 (2) KLT 431]**. In such circumstance, no insistence can be made for production of a legal heirship certificate and if the transferee produces sufficient evidence to show that he succeeds to the estate of the deceased estate, then necessarily, the same will have to be considered. Hence, the authority shall consider the application in accordance with the dictum of the aforecited decision, within a period of three weeks from the date of receipt of a certified copy of this judgment. The petitioner shall also produce a copy of the aforecited decision before the authority.

The writ petition is disposed of.

Sd/-
K. VINOD CHANDRAN,
JUDGE

SB

// true copy //

P.A to Judge