

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.V.RAMAKRISHNA PILLAI

THURSDAY, THE 4TH DAY OF JUNE 2015/14TH JYAISHTA, 1937

WP(C).No. 16585 of 2015 (W)

PETITIONER :

**K.BABU
SON OF KESAVAN NAMBI, NO.23, SARATHI NAGAR
NELSON ROAD, SREERANGAM, TAMILNADU
PRESENTLY RESIDING AT 7/464, PUTHENVEEDU
MUNDUR, PALAKKAD, PIN-678 592.**

**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 04-06-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

Mn

...2/-

WP(C).No. 16585 of 2015 (W)

APPENDIX

PETITIONERS' EXHIBITS :

- EXT. P1 :** TRUE COPY OF THE REGISTRATION PARTICULARS WEF 5-4-2015 IN RESPECT OF STAGE CARRIAGE VEHICLE KL-10-Y/395 IN THE NAME OF PETITIONER.
- EXT. P2 :** TRUE COPY OF THE REGISTRATION PARTICULARS WEF 13-4-2015 IN RESPECT OF STAGE CARRIAGE VEHICLE KL-10-Y/395 IN THE NAME OF BINIL BABU.
- EXT. P3 :** TRUE COPY OF THE COMMUNICATION VIDE REF NO.SCH/002101 DATED 14-5-2015.
- EXT. P4 :** TRUE COPY OF THE SAID JUDGMENT DATED 8-4-2015 IN WPC.NO.11810/2015

RESPONDENT(S)' EXHIBITS : NIL

//TRUE COPY//

P.A. TO JUDGE

Mn

A.V. RAMAKRISHNA PILLAI, J.

W.P.(C) No. 16585 of 2015

Dated this the 4th day of June, 2015.

JUDGMENT

Under challenge in this writ petition is Ext.P3 communication by which the petitioner's request for clearance certificate was denied by the respondent.

2. The petitioner alleges that one Sri.V.C.Anilkumar was operating regular service between Palakkad and Parali via Kamba with the stage carriage vehicle KL-10/L 6335. The said vehicle was replaced with the petitioner's stage carriage KL-10Y/395 and it operated in the said route till 4.4.2015. The petitioner further alleges that he purchased the said vehicle along with the route permit and was operating the vehicle in the said route. While so, the petitioner sold the vehicle to One Binil Babu and the registration particulars of the vehicle was transferred to him w.e.f. 13.4.2015. It is further alleged that the petitioner applied for a clearance certificate from the respondent authority. The respondent authority has now

issued Ext.P3 communication informing the petitioner that there are arrears to the tune of ₹25,900/- in respect of his stage carriage.

3. I have heard the learned counsel for the petitioner and the learned Standing Counsel for the respondent.

4. It is settled law that the charge is created under the Kerala Motor Transport Workers Welfare Fund Act (in short "the Act") runs with the vehicle and no liability could be fastened on the permit holder if a transfer has been effected on a permit alone. It is an admitted fact that the petitioner's vehicle does not have any dues under the Act and therefore his vehicle cannot be denied clearance certificate on the ground that the vehicles which were operated on the permit, which the petitioner had obtained a valid transfer; have dues. Therefore the petitioner is entitled to get a clearance certificate he requested.

In the result, the writ petition is allowed and Ext.P2 is quashed. The respondent is directed to issue clearance

certificate without any further delay at any rate within a period of one week from the date of receipt of a copy of this judgment. It is made clear that it is open to the respondent Board to proceed against the other vehicle for the recovery of dues.

Sd/-
A.V. RAMAKRISHNA PILLAI
JUDGE

Scl.