

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.V.RAMAKRISHNA PILLAI

FRIDAY, THE 19TH DAY OF JUNE 2015/29TH JYAISHTA, 1937

WP(C).No. 17719 of 2015 (L)

PETITIONER:

**SHARON THOMAS, CHITTALIL HOUSE,
MARARIKULAM VADAKKU, CHERTHALA,
ALAPPUZHA.**

BY ADV. SRI.G.PRABHAKARAN

RESPONDENT(S):

- 1. THE SECRETARY,
REGIONAL TRANSPORT AUTHORITY,
CUM REGIONAL TRANSPORT OFFICER(RTO),
ALAPPUZHA - 688 001.**
- 2. THE REGIONAL TRANSPORT AUTHORITY,
ALAPPUZHA,
REPRESENTED BY ITS SECRETARY - 688 001.**

BY GOVERNMENT PLEADER SMT.K.A.SANJEETHA

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 19-06-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

mbr/

WP(C).No. 17719 of 2015 (L)

APPENDIX

PETITIONER(S)' EXHIBITS:

EXHIBIT P1 : TRUE COPY OF THE PERMIT WITH ITS NO.N.P GD .C 4/1056/2010
DATED 5-6-2010.

EXHIBIT P2 : TRUE COPY OF THE AUTHORIZATION CERTIFICATE DATED 26-6-2013.

EXHIBIT P3 : TRUE COPY OF THE GOODS CARRIAGE PERMIT APPLICATION
DATED 4-6-2015.

EXHIBIT P4 : TRUE COPY OF THE CHELAN RECEIPT VEHICLE NUMBER KL 4/S 4775
DT 4-6-2015.

EXHIBIT P5 : TRUE COPY OF THE AUTHORIZATION OF NATIONAL GOODS PERMIT.

EXHIBIT P6 : TRUE COPY OF THE 'G' FORM FILED INTIMATING NON USE OF
VEHICLE.

RESPONDENTS' EXHIBITS: **NIL.**

//TRUE COPY//

P.S. TO JUDGE

mbr/

A.V. RAMAKRISHNA PILLAI, J.

W.P.(C) No. 17719 of 2015

Dated this the 19th day of June, 2015

J U D G M E N T

Aggrieved by the inaction on the part of the respondent in taking a decision on Ext.P3 application, the petitioner has come up before this Court.

2. The petitioner is a national goods carriage permit holder in respect of the vehicle bearing Reg.No.KL 4/S 4775, which was valid till 04.06.2015. It being a national permit, authorization certificate of N.P. (goods) is required and that also had validity till 04.06.2015. The petitioner points out that an application for renewal has to be submitted 15 days prior to the expiry of basic permit and there is provision to condone the delay as per Section 81(4) of the Act, and if the renewal is granted, thereafter, it has the validity from the date of original expiry of permit. The petitioner alleges that the delay in submitting the application was due to medical reasons.

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The petitioner alleges that though subsequently, he has filed renewal application along with delay condonation petition, the office of the 1st respondent instructed that it being a goods carriage vehilce, there is no restriction to the grant of goods carriage permit unlike the limit etc. of stage carriage permits; and therefore, he was advised to apply for, in the form of fresh application. Hence, the petitioner made an application for goods carriage national permit along with an application for authorization certificate of N.P.(goods), since, without which, the vehicle cannot be operated outside Kerala. There is a finance endorsement in the RC book of the vehicle that no amounts are due to them, except certain illegal overdue interest, against which an Arbitration OP was filed; and the same was withdrawn when it was verified that no actual amounts are due; it is alleged. According to the petitioner, for granting it as fresh permit, there is no need of obtaining NOC from financiers. As the vehicle is not operated, the petitioner

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is put to extreme difficulties; it is alleged. Hence, this writ petition.

3. Heard the learned counsel for the petitioner and the learned Government Pleader in the matter.

4. The learned Government Pleader, on instructions, submitted that the petitioner has already submitted renewal application, which as received by the office of the respondents on 05.06.2015 with sufficient fee.

Therefore, the writ petition is disposed of directing the respondent to consider and pass appropriate orders on Ext.P3 renewal application submitted by the petitioner, which was received in the office of the respondents on 05.06.2015, within a period of two weeks from the date of receipt of a copy of this judgment.

Sd/-
A.V. RAMAKRISHNA PILLAI
JUDGE

bka/-