

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.V.RAMAKRISHNA PILLAI

WEDNESDAY, THE 15TH DAY OF JULY 2015/24TH ASHADHA, 1937

WP(C).No. 20316 of 2015 (L)

PETITIONER:

**U.K.MOHAMMED, BABY HOUSE,
KIZHISSERI P.O., KUZHIMANNA,
MALAPPURAM DISTRICT.**

BY ADV. SRI.K.V.GOPINATHAN NAIR

RESPONDENT:

**THE SECRETARY,
REGIONAL TRANSPORT AUTHORITY,
PALAKKAD, PIN-678001.**

BY GOVERNMENT PLEADER SMT.K.A.SANJEETHA

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 15-07-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

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APPENDIX

PETITIONER'S EXHIBITS:

EXT. P1 : TRUE COPY OF THE PROCEEDINGS OF THE REGIONAL TRANSPORT
AUTHORITY, PALAKKAD DATED 12.8.2014 IN ITEM NO.213 ALLOWING
TRANSFER OF PERMIT.

EXT. P2 : TRUE COPY OF THE REGISTRATION PARTICULARS IN RESPECT OF
STAGE CARRIAGE KL-11/R 6489 SHOWING THE TRANSFER OF
VEHICLE IN FAVOUR OF THE PETITIONER.

EXT. P3 : TRUE COPY OF THE REQUEST MADE BY THE PETITIONER BEFORE
THE RESPONDENT DATED 4.6.2015.

RESPONDENTS' EXHIBITS: NIL.

//TRUE COPY//

P.S. TO JUDGE

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A.V.RAMAKRISHNA PILLAI, J.

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W.P(C) No.20316 of 2015

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Dated this the 15th day of July, 2015

JUDGMENT

The petitioner is seeking a direction to the respondent to endorse the transfer of permit in respect of his stage carriage as per Ext.P1

2. By Ext.P1, the regular permit issued to the stage carriage bearing No.KL-11/R 6489 which is valid upto 26.6.2017 has been allowed to be transferred in favour of the petitioner. As per Ext.P1 proceedings, the vehicle was already been transferred in favour of the petitioner, as evident from Ext.P2. The petitioner submitted records and other necessary documents in respect of the above vehicle for the purpose of endorsing the transfer of permit in his favour.

3. The petitioner alleges that, the aforesaid vehicle being a 2003 model vehicle and is under 'G' form is not intending to operate on the route Kozhikode to Palakkad and he is intending to replace the same with a later model vehicle. Therefore, the petitioner does not spend further amount for the purpose of improving the condition of the vehicle and renewing the certificate of fitness.

4. Ext.P1 contains a condition that there should not be any amount due to the Government in respect of the said vehicle and, therefore, the petitioner cleared the entire amount due in respect of the vehicle to the department; it is alleged. The petitioner points out that it is also a settled position of law that the certificate of fitness in respect of an outgoing vehicle is not a mandatory condition for the purpose of replacement as well as the transfer of permit. He further alleges that the respondent is duty bound to endorse the permit also in his favour without insisting for a fitness certificate in respect of the outgoing vehicle.

5. The grievance of the petitioner is that though he requested for necessary endorsement of transfer of permit, the respondent has not effected the same which is absolutely without any justification. It is with this background, the petitioner has approached this Court.

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

7. According to the learned counsel for the petitioner, the respondent is insisting for a fitness certificate of the outgoing vehicle which is not mandated as per the statute, as held by this Court in several writ petitions. However, the learned Senior Government Pleader would submit that the petitioner has not

produced the relevant documents pertaining to the incoming vehicle and the petitioner is bound to produce the same.

Considering the entire facts and circumstances, the writ petition is disposed of directing the respondent to endorse the transfer of permit on production of supporting documents pertaining to the new vehicle without insisting for the production of the fitness certificate pertaining to the old vehicle. This shall be done within two weeks from the date of receipt of a copy of this judgment.

Sd/-
A.V.RAMAKRISHNA PILLAI
JUDGE

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