

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.V.RAMAKRISHNA PILLAI

MONDAY, THE 13TH DAY OF JULY 2015/22ND ASHADHA, 1937

WP(C).No. 20361 of 2015 (U)

PETITIONER:

**KUNHALAN, S/O. MAMMUTTY,
PULIMADAKKAL HOUSE, KOORIYAD,
INDIANUR, KOTTAKKAL,
MALAPPURAM DISTRICT.**

BY ADV. SRI.SAJU J.VALLYARA

RESPONDENT:

**THE SECRETARY,
REGIONAL TRANSPORT AUTHORITY,
MALAPPURAM, PIN - 676 505.**

BY GOVERNMENT PLEADER SMT.K.A.SANJEETHA

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 13-07-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

mbr/

WP(C).No. 20361 of 2015 (U)

APPENDIX

PETITIONER(S)' EXHIBITS:

**EXHIBIT P1: PHOTOCOPY OF THE REGULAR PERMIT ISSUED BY THE
RESPONDENT TO THE PETITIONER.**

**EXHIBIT P2: PHOTOCOPY OF THE REQUEST DATED 03-07-2015 SUBMITTED BY
THE PETITIONER BEFORE THE RESPONDENT.**

RESPONDENTS' EXHIBITS: NIL.

//TRUE COPY//

P.S. TO JUDGE

mbr/

A.V.RAMAKRISHNA PILLAI, J.

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W.P(C) No.20361 of 2015

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Dated this the 13th day of July, 2015

JUDGMENT

The petitioner, who holds a regular permit to conduct service on the route between Perinthalmanna and Tirur touching Kadampuzha and Malappuram with halt at Thalakkappu, has come up before this Court seeking a direction to issue a permitless certificate by the respondent without insisting for surrender of existing permit.

2. According to the petitioner, the permit granted to him is endorsed to the stage carriage bearing Reg.No.KL-10/M 4105 which is valid up to 9.11.2015. The petitioner alleges that the said vehicle is an old model and due to repeated defects, he is not in a position to operate the same. Therefore, he is intending to replace the vehicle by a later model vehicle.

3. For that, he submitted an application to issue permitless certificate without insisting for the surrender of existing regular

permit. However, the respondent is insisting that the permitless certificate for a vehicle covered by the permit could be given only after surrendering of the existing regular permit, which according to the petitioner, is unsustainable and illegal. It is with this background the petitioner has come up before this Court.

4. I have heard the learned counsel for the petitioner and the learned Senior Government Pleader.

5. When the matter came up for hearing, the learned counsel for the petitioner would submit that a direction to consider his application by this Court would be sufficient.

6. As the petitioner is intending to sell his present vehicle which is an old model and due to repeated defects, he is not in a position to operate the same, this Court is of the view that the petitioner's request is genuine.

In the result, this writ petition is disposed of directing the respondent to consider the petitioner's application for permitless

certificate to sell the vehicle without insisting for the surrendering of existing permit by retaining the permit under suspended animation within two weeks from the date of receipt of a copy of this judgment.

While passing orders, it shall be open to the respondent to fix a time limit for the production of new vehicle by the petitioner.

To facilitate an early action, it shall be open to the petitioner to produce a copy of the writ petition as well as a copy of this judgment before the respondent at the earliest.

Sd/-

A.V.RAMAKRISHNA PILLAI
JUDGE

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