

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.V.RAMAKRISHNA PILLAI

FRIDAY, THE 21ST DAY OF AUGUST 2015/30TH SRAVANA, 1937

WP(C).No. 25240 of 2015 (D)

PETITIONER(S):

**ABDUL SALAM T.K.,
S/O.KUNJUPILLA RAWTHER, THENMACKAL HOUSE, PATTIMATTOM,
KANJIRAPPALLY, KOTTAYAM.**

BY ADV. SRI.P.DEEPAK

RESPONDENT(S):

**THE SECRETARY, REGIONAL TRANSPORT AUTHORITY,
KOTTAYAM - 686 001.**

BY GOVERNMENT PLEADER SMT.K.A.SANJEETHA

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
21-08-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

msv/

WP(C).No. 25240 of 2015 (D)

APPENDIX

PETITIONER(S)' EXHIBITS

**EXHIBIT P1. TRUE COPY OF THE REGULAR PERMIT ISSUED TO KL.34/3895 VALID
TILL 16.11.19.**

**EXHIBIT P2. TRUE COPY OF THE REQUEST FOR PERMITLESS CERTIFICATE FILED
ON 11.8.15.**

RESPONDENT(S)' EXHIBITS:

NIL

//TRUE COPY//

P.A.TO JUDGE.

MsV/

A.V. RAMAKRISHNA PILLAI, J.

W.P.(C) No. 25240 of 2015

Dated this the 21st day of August, 2015

J U D G M E N T

The petitioner is seeking a direction to the respondent to issue permitless certificate to the petitioner's vehicle without insisting on surrender/cancellation of permit.

2. The petitioner holds a regular permit to conduct service on the route Chenappady and Erattupetta issued in respect of stage carriage bearing Reg.No.KL-34/3895, which is valid till 16.11.2019. The petitioner intends to replace the above vehicle with a suitable other vehicle, preferably of a later model for the reason that he has been sanctioned with a regular permit on another route, which substantially overlaps the said route. In the application for permit, the petitioner had offered the above vehicle or a suitable other vehicle. The regular permit was sanctioned to the petitioner on condition that

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the existing Ext.P1 permit would not be surrendered by him. The new permit sanctioned to him is to avail within 30 days, otherwise, the grant is liable to be revoked under Rule 159 of the KMV Rules, 1989; it is pointed out. According to the petitioner, he cannot offer a suitable other vehicle within the said period of 30 days and he is confident of procuring a vehicle within four months and offer the said vehicle for replacement in Ext.P1 permit. According to him, this would ensure that the petitioner cannot avail the newly sanctioned permit as well as retain the existing one issued to him, the latter, under suspended animation for a period of four months. Hence, the petitioner filed application for issue of permitless certificate in respect of the said vehicle keeping the permit under suspended animation. It is with this background, the petitioner has come up before this Court.

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

4. The writ petition is vehemently opposed by the

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learned Government Pleader on the ground that the petitioner has obtained a regular permit in respect of the same vehicle in another route.

5. However, the learned counsel for the petitioner has offered a reasonable explanation for submitting the present application for permitless certificate. It was pointed out that the petitioner has been sanctioned with a regular permit on another route, which substantially overlaps the above mentioned route. In the application for permit, the petitioner has specified the above vehicle or a suitable other vehicle. The regular permit was sanctioned to the petitioner on condition that the existing permit held as per Ext.P1 would not be surrendered by him. The new permit sanctioned to him has to be availed within 30 days, otherwise, the grant is liable to be revoked under Rule 159 of the KMV Rules, 1989. Therefore, if the present vehicle is released and offered for the new permit, the petitioner would be getting a breathing time of four months .

As there is no legal impediment in the procedure now adopted by the petitioner, this Court is of the view that

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there can be a direction to the respondent to issue permitless certificate as requested by the petitioner within a period of two weeks from the date of receipt of a copy of this judgment on condition that the petitioner shall produce records relating to the vehicle intended to be replaced, within four months from the date of clearance.

Sd/-
A.V. RAMAKRISHNA PILLAI
JUDGE

bka/-