

(2022) 06 KL CK 0010
In the High Court Of Kerala
Case No : Writ Petition (C) No. 17204 Of 2022

Alias E.M

APPELLANT

Vs

Secretary, Regional Transport Authority, Regional Transport
Office, Civil Station P.O, Kakkanad, Ernakulam 682030

RESPONDENT

Date of Decision : 01-06-2022

Acts Referred:

Kerala Motor Vehicle Rules, 1989 — Rule 217

Citation : (2022) 06 KL CK 0010

Hon'ble Judges : Amit Rawal, J

Bench : Single Bench

Advocate : I.Dinesh Menon, V.K.Sunil

Final Decision : Allowed

Judgement

Amit Rawal, J

1. It is a classic case of the high-handedness at the hands of the Regional Transport Authority (RTA), Ernakulam of having not accepted the request of the petitioner No.1 for surrendering the permit issued for running the transport vehicle bearing No.KL-17 S 5315 submitted in accordance with the Rule 217 of the Kerala Motor Vehicle Rules, 1989.

2. Learned counsel appearing on behalf of the petitioners submitted that the withdrawal notice was submitted to the RTA on 22.04.2022. As and when such one month notice expressing the intention to surrender the permit is received by the office of the transport authority, the authority shall post copy of the notice on the notice board of the authority. It is contended that after expiry of 19 days the notice was published. The vehicle in question has already been sold to petitioner No.2 on 22.04.2022 but petitioner No.1 has to perform the marriage of his daughter and the balance consideration would be received only when the appropriate order is passed under Rule 217. It is contended that the certificate in this regard has to be issued as per the judgment of this Court in Ummer P. v.

Regional Transport Authority, Malappuram and Another [2011 (2) KHC 372], but for want of the certificate predicament of the petitioner No.1 is writ large.

3. Sri.Justin Jacob, learned Government Pleader accepts notice and submits that the intention of withdrawing the permit ought to have been published immediately on receipt of such notice. Publishing of the same on 12.05.2022 cannot be attributed as a delay on the part of the RTA as the application was required to be examined after verification of the record.

4. I have heard the learned counsel for the parties and appraised the paper book.

5. Since 30 days had already expired on 22.5.2022 the lapse on the part of the authority in not publishing the notice in strict compliance Rule 217 cannot be attributed to be fault of the 1st petitioner who was in dire need of money for the performance of the marriage of his daughter.

For the reason aforementioned, I allow the writ petition by issuing direction to respondent No.1 to issue certificate of surrender within a period of three days from today as the period of 30 days expressing intention to surrender the permit in respect of the vehicle aforementioned is already over on 21.05.2022.