

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

FRIDAY, THE 13TH DAY OF MARCH 2015/22ND PHALGUNA, 1936

RP.No. 155 of 2015 () IN WP(C).1531/2015

AGAINST THE JUDGMENT IN WP(C) 1531/2015 of HIGH COURT OF KERALA
DATED 15.01.2015

REVIEW PETITIONER(S):

THE SECRETARY, REGIONAL TRANSPORT AUTHORITY, KANNUR

BY ADV. GOVERNMENT PLEADER SRI. BIJU MEENATTOOR

RESPONDENT(S):

**ANEESH KUMAR C.V, S/O BALAKRISHNAN,
PRANAVAM, KUDUKKIMOTTA, P.O, KANHIRODE
KANNUR DISTRICT**

R BY SRI.O.D.SIVADAS

**THIS REVIEW PETITION HAVING COME UP FOR ADMISSION
ON 13-03-2015, ALONG WITH W.P.(C) NO. 7485 OF 2015, THE COURT ON
THE SAME DAY PASSED THE FOLLOWING:**

RP.No. 155 of 2015 () IN WP(C).1531/2015

APPENDIX

PETITIONERS EXHIBITS:

**ANNEXURE 1 COPY OF THE SHOW CAUSE NOTICE NO.C2/789996/14/C
DATED 28.11.2014.**

RESPONDENTS EXHIBITS: NIL

// TRUE COPY //

PA to Judge

SB

K. VINOD CHANDRAN, J.

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**R.P. No.155 of 2015 - N in
W.P.(C) No.1531 of 2015 and
W.P.(C) No. 7485 of 2015 - I**

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Dated this the 13th day of March, 2015

O R D E R

The review petition is filed by the State against the judgment of this Court, which directed consideration of the replacement of a vehicle, in a regular permit. The petitioner in the writ petition made an innocuous prayer for consideration of the replacement of a vehicle on the allegation that, the Secretary, RTA, refused to consider the same only on the ground of the vehicle proffered being of a later model. This Court following the binding precedents, directed consideration.

2. The review has been filed by the State on the ground that, the petitioner in the writ petition had approached the Tribunal for obtaining a Clearance Certificate with respect to the vehicle originally endorsed in the permit; keeping the permit in suspended animation.

The Tribunal, by order dated 08.10.2012, directed issuance of Clearance Certificate. The petitioner approached the authority much later with the Tribunal's order and a Clearance Certificate was issued on 17.08.2013. It is to be noticed that, the Tribunal specifically had indicated that, the petitioner should replace the vehicle within four months.

3. In any event, since Clearance Certificate was granted on 17.08.2013, the petitioner was obliged to replace the vehicle by 16.02.2014. Obviously the petitioner did not do that. On 28.11.2014, the RTA issued show cause notice as to why the permit should not be revoked. This Court finds that the petitioner has approached this Court with unclean hands. The petitioner has failed to reveal any of the aforesaid facts in the writ petition. The petitioner was not entitled to the reliefs granted by this Court. The fact that replacement is allowed will be of no consequence.

4. W.P.(C) No. 7485 of 2015 is a fresh writ

petition filed by the petitioner obviously on coming to know of the review, stating the facts as stated herein above. The petitioner seeks for consideration of an application for renewal of permit produced at Ext.P5.

5. It is evident that, the show cause notice itself was issued by the authority on 28.11.2014. The petitioner not only did not respond to the show cause notice, but the permit itself stood expired on 01.03.2015. The revocation of the permit is said to have been placed before the RTA on 11.02.2015. However, the same was not considered. In such circumstance, the revocation as also the renewal application would have to be considered by the RTA simultaneously, which shall be considered expeditiously.

6. On the facts disclosed herein, this Court is not inclined to issue any direction to grant any further temporary permit in the route in which, the show-cause notice for revocation as also the renewal application is pending consideration, before the RTA.

The review petition is allowed. The judgment in W.P.(C) No. 1531 of 2015 is re-called and the writ petition would stand dismissed. W.P.(C) No.7485 of 2015 would stand disposed of with the above direction.

Sd/-
K. VINOD CHANDRAN,
JUDGE

SB

// true copy //

P.A to Judge