

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

THURSDAY, THE 15TH DAY OF JANUARY 2015/25TH POUSHA, 1936

WP(C).No. 1568 of 2015 (U)

PETITIONER :

**BALAKRISHNAN, S/O.KANNAN,
KUNIYIL HOUSE, MADAPPALLY COLLEGE.P.O.,
VADAKARA.**

BY ADV. SRI.I.DINESH MENON

RESPONDENT(S):

- 1. THE STATE TRANSPORT APPELLATE TRIBUNAL,
ERNAKULAM-682 011**
- 2. THE REGIONAL TRANSPORT AUTHORITY,
KANNUR-670 001**
- 3. THE SECRETARY, REGIONAL TRANSPORT AUTHORITY,
KANNUR-670 001.**

R1 TO R3 BY GOVERNMENT PLEADER SRI.R.RANJITH

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 15-01-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

sts

WP(C).NO.1568/2015

APPENDIX

PETITIONER'S EXHIBITS:

- P1 COPY OF THE PROCEEDINGS DATED 19/7/2014**
- P2 COPY OF THE REVISION MEMORANDUM DATED 23/7/2014 IN MVARP NO.123/2014.**
- P3 COPY OF THE ORDER IN MVARP NO.123/2014 DATED 24/7/2014.**
- P4 COPY OF THE CLEARANCE CERTIFICATE DATED 14/8/2014.**
- P5 COPY OF THE EXTRACT OF THE ORDER IN M.P.NO.10/2015 IN MVARP NO.123/2014 DATED 9/1/2015.**

RESPONDENT'S EXHIBITS: NIL

/TRUE COPY/

P.A.TO.JUDGE

sts

K. VINOD CHANDRAN, J

W.P(C) No.1568 of 2015

Dated this the 15th day of January, 2015

J U D G M E N T

The petitioner is aggrieved with Ext.P5 order, which is an extracted copy of the order passed by the Tribunal in M.P No.10/2015 in MVARP No. 123/2014. The brief facts leading to the said order is that the petitioner applied for clearance certificate, keeping the permit in suspended animation. That was rejected and the petitioner filed revision before the STAT. The Tribunal allowed it by Ext.P3. But, however directed that a new vehicle shall be produced within four months and also directed that in the event of failure to comply with the order, the Secretary/RTA shall be at liberty to take steps for cancellation of the permit.

2. The clearance certificate was issued on 14.08.2014 as is evidenced at Ext.P4. The new vehicle ought to have been produced on 13.12.2014. The petitioner produced a vehicle with 17 days delay and approached the Tribunal by Ext.P5. The Tribunal found that since Ext.P3 was a conditional order the delay cannot be condoned. The

Tribunal also found that there is an inordinate delay.

3. If the current records of the vehicle now sought to be substituted has been produced within 17 days from the time stipulated in Ext.P2, this Court does not find any reason to hold that there is an inordinate delay. Further it is to be noticed that the Tribunal had granted the authorities power to cancel the permit, which obviously has not been done till the production of records.

4. In such circumstance, it is only proper that Ext.P5 be set aside, the 3rd respondent shall consider the claim of the petitioner and verify the current records if produced and deem it to have been produced within time. Replacement shall be considered within two months from today and immediately on allowing the same, shall be endorsed.

Writ petition is disposed of.

Sd/-
(K. VINOD CHANDRAN, JUDGE)

jma //true copy//

P.A to Judge