

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

WEDNESDAY, THE 4TH DAY OF FEBRUARY 2015/15TH MAGHA, 1936

WP(C).No. 3404 of 2015 (A)

PETITIONER :

**SURENDRAN G.,
S/O.P.K.GOPALAN, KAPPIYIL HOUSE, KARUVANCHAL P.O.
ALAKODE, TALIPARAMBA.**

BY ADV. SRI.I.DINESH MENON

RESPONDENTS :

- 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 GOVT. PLEADER SRI. R. RANJITH

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 04-02-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

Mn

...2/-

WP(C).No. 3404 of 2015 (A)

APPENDIX

PETITIONERS' EXHIBITS :

- EXHIBIT P1. TRUE COPY OF THE PROCEEDINGS DATED 04.07.2014.**
- EXHIBIT P2. TRUE COPY OF THE REVISION MEMORANDUM DATED 09.07.2014 IN MVARP NO.99/2014.**
- EXHIBIT P3. TRUE COPY OF THE ORDER IN MVARP NO.99/2014 DATED 11.07.2014.**
- EXHIBIT P4. TRUE COPY OF THE ORDER IN M.P.NO43/2015 IN MVARP NO.99/2014 DATED 24.01.2015.**
- EXHIBIT P5. TRUE COPY OF THE JUDGMENT IN WP(C)NO.1568/2015 DATED 15.01.2015.**
- EXHIBIT P6. COPY OF THE AFFIDAVIT AND PETITION IN MP NO. 43/2015 IN MVARP NO. 99/2014 DATED 20/1/2015.**

RESPONDENT(S)' EXHIBITS : NIL

//TRUE COPY//

P.S. TO JUDGE

Mn

K.VINOD CHANDRAN, J

W.P.(C).No. 3404 of 2015

Dated 4th February, 2015

JUDGMENT

The learned counsel for the petitioner submits, at the outset, that there is a mistake which the petitioner committed before the Tribunal and before this Court in taking up a contention that, the current records of the vehicle was produced with 19 days' delay; in fact the delay was 49 days. In any event, even for the period of 19 days, the Tribunal found that the delay cannot be condoned. Hence the above writ petition.

2. The issue raised is with respect to the replacement of a vehicle in a regular permit in which clearance certificate was obtained for the vehicle which was endorsed in the permit. The clearance certificate was granted as per Ext.P3 order of the STAT which also directed

production of the current records of a new vehicle within four months. Admittedly, the clearance certificate was obtained on 29.07.2014. The petitioner, as per the order of the Tribunal, had an obligation to produce the current records of a new vehicle on or before 28.11.2014. The petitioner contends that, he had produced the current records on 16.01.2015. When the authority had refused to accept the same, since the production was after the date prescribed by the Tribunal, the Tribunal was approached, which application was rejected by Ext.P6. The petitioner impugned the same before this Court.

3. Considering the fact that, the current records of a vehicle was produced on 16.01.2015 it is only proper that the replacement application be considered even though it is delayed by 49 days. The petitioner shall hence,

produce the current records of the vehicle within one week from today before the 3rd respondent. The 3rd respondent shall verify as to whether the records were current as on 16.01.2015, on which date the petitioner is said to have produced it before the authority. If the said records are current as on the said date, definitely the replacement can be considered in accordance with law, *de hors* the restriction made by the Tribunal in Ext.P3 order, and immediately on allowing the same, endorsement shall be made.

Writ petition disposed of.

Sd/-

K.VINOD CHANDRAN
Judge

Mrcs

//True Copy//