

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. 3555 of 2015 (T)

PETITIONER :

**AYISHA K., AGED 32 YEARS, W/O. SAID MUHAMMED,
SAJID MANZIL, HOSDURG BEACH, KANHANGAD P.O., KASARGOD.**

BY ADV. SRI.I.DINESH MENON

RESPONDENTS :

- 1. THE STATE TRANSPORT APPELLATE TRIBUNAL,
ERNAKULAM - 6870001.**
- 2. THE REGIONAL TRANSPORT AUTHORITY, KANNUR - 670001.**
- 3. THE SECRETARY, REGIONAL TRANSPORT AUTHORITY,
KANNUR - 670001**

BY GOVERNMENT PLEADER SRI. BIJU MEENATTOOR

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

bp

WP(C).No. 3555 of 2015 (T)

APPENDIX

PETITIONER'S EXHIBITS :

- P1: COPY OF THE PROCEEDINGS DT 5/6/2014.
- P2: COPY OF THE REVISION MEMORANDUM DT 6/6/2014 IN MVARP NO. 58/2014.
- P3: COPY OF THE ORDER IN MVARP NO. 58/2014 DT 9/6/2014.
- P4: COPY OF THE ORDER IN M.P.NO.44/2015 IN MVARP NO. 58/2014 DT 24/1/2015.
- P5: COPY OF THE JUDGMENT IN WPC NO. 1568/2015.
- P6: COPY OF THE AFFIDAVIT AD PETITION IN M.P.NO. 44/2015 IN MVARP NO. 58/2014 DT 21/1/2015.

RESPONDENT'S EXHIBITS : NIL.

//TRUE COPY//

P.A. TO JUDG

bp

K.VINOD CHANDRAN, J

W.P.(C).No. 3555 of 2015

Dated 4th February, 2015

JUDGMENT

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 19.06.2014. The petitioner, as per the order of the Tribunal, had an obligation to produce the current records of a new vehicle on or before 18.10.2014. The petitioner contends that, he had produced the current records on 05.01.2015. 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 impugn the same before this Court.

2. Considering the fact that, the current records of a vehicle was produced on 05.01.2015 it is only proper that the replacement application be considered even though it is delayed by 78 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 05.01.2015, 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

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