

IN THE HIGH COURT OF KERALAAT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

WEDNESDAY, THE 25TH DAY OF FEBRUARY 2015/6TH PHALGUNA, 1936

WP(C).No. 5716 of 2015 (L)

PETITIONER(S):

SATHISH.R,
ASWATHY, KADAIKKAD, KOLLAKADAVU P.O.
CHENGANNUR

BY ADV. SRI.K.V.GOPINATHAN NAIR

RESPONDENT(S):

1. THE REGIONAL TRANSPORT AUTHORITY
ALAPPUZHA REPRESENTED BY ITS SECRETARY, PIN 688001
2. THE SECRETARY, REGIONAL TRANSPORT AUTHORITY
ALAPPUZHA PIN 688001

BY GOVERNMENT PLEADER SRI. R. RANJITH

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 25-02-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER(S)' EXHIBITS

P1:TRUE COPY OF THE JUDGMENT OF THIS HONOURABLE COURT IN
WPC.NO.1354/2014 DATED 16.01.2014

P2:TRUE COPY OF THE ORDER OF THIS HONOURABLE COURT IN RP.NO.95/2014 IN
WPC. NO.1354/2014

P3:TRUE COPY OF THE PROCEEDINGS OF THE 2ND RESPONDENT ISSUING
CLEARANCE CERTIFICATE DATED 07.05.2014

P4:TRUE COPY OF THE APPLICATION SUBMITTED BY THE PETITIONER BEFORE THE
2ND RESPONDENT DATED 24.07.2014

P5:TRUE COPY OF THE REGISTRAR'S PARTICULARS IN RESPECT OF STAGE
CARRIAGE KL 17 C 3699

P6:TRUE COPY OF THE PROCEEDINGS OF THE 1ST RESPONDENT DATED 19.12.2014
WHICH IS SIGNED ON 11.02.2015

P7:TRUE COPY OF THE 4 MONTHS TEMPORARY PERMIT APPLICATION SUBMITTED
BY THE PETITIONER BEFORE THE 2ND RESPONDENT DATED 19.02.2015

//True Copy//

P.A. To Judge

K.VINOD CHANDRAN, J

W.P.(C).No. 5716 of 2015

Dated 25th February, 2015

JUDGMENT

The petitioner had approached this Court seeking for a direction to release a vehicle by issuance of clearance certificate from a regular permit after keeping the regular permit in suspended animation. The same was granted by Ext.P1. Since no time was specified for replacement of the vehicle, again the petitioner approached this Court which resulted in Ext.P2 order making it clear that the authority would be competent to fix the time for replacement.

2. Subsequently, the petitioner had approached the authority and obtained clearance certificate which was granted on condition of replacement within three months. The clearance certificate was granted on 07.05.2014 and the replacement ought to have been made on or before

06.08.2014. The petitioner approached the authority for extension which was granted for one month, ie: till 07.09.2014.

3. Later on, a further application was filed and the RTA having considered the same in the meeting held on 14.09.2014, adjourned it to 03.12.2014. It is evident from Ext.P6 that the petitioner had not, on 03.12.2014, sought for any specific time for replacement of the vehicle. The matter stood adjourned to 19.12.2014 on which date, the petitioner contends that, he submitted that the records of the vehicle would be produced immediately, within two months.

4. In any event, on 19.12.2014 the petitioner's permit stood revoked. The petitioner is said to have produced the current records as per Ext.P5 immediately, after the

transfer was effected; on 24.01.2015. Hence, before the date of issuance of Ext.P6, ie: 11.02.2015, the petitioner is said to have produced the current records of the vehicle.

5. Only in the circumstance of the petitioner having produced the vehicle prior to the issuance of Ext.P6, it is directed that the petitioner's application for replacement shall be considered, if the current records have been produced before 11.02.2015, and on further condition that the petitioner would pay an amount of Rs.5,000/- to the Road Safety Fund and produce evidence before the Authority within a period of three weeks from today. Ext.P6 would stand set aside only on such conditions being complied with. The authority would be entitled to check the current records and consider replacement in accordance with law. It is submitted that the petitioner has also filed

Ext.P7 application for temporary permit, which shall also be considered in accordance with law.

The writ petition is disposed of.

Sd/-

K.VINOD CHANDRAN
Judge

Mrcs

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