

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

MONDAY, THE 2ND DAY OF MARCH 2015/11TH PHALGUNA, 1936

WP(C).No. 6402 of 2015 (A)

PETITIONER :

**ANTIL K. ANTONY,
KOLENCHERY HOUSE, KANIMANGALAM P.O.,
THRISSUR.**

BY ADV. SRI.I.DINESH MENON

RESPONDENT :

**THE SECRETARY,
REGIONAL TRANSPORT AUTHORITY,
VADAKARA - 673 101.**

BY GOVERNMENT PLEADER SRI.R.RANJITH

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 02-03-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

sts

WP(C).No. 6402 of 2015 (A)

APPENDIX

PETITIONER(S)' EXHIBITS

- EXT.P-1: TRUE COPY OF THE REGULAR PERMIT ISSUED TO THE PETITIONER**
- EXT.P-2: TRUE COPY OF THE RENEWAL APPLICATION DATED 11.12.2014 WITH CHALAN**
- EXT.P-3: TRUE COPY OF THE TEMPORARY PERMIT APPLICATION DATED 11.12.2014 WITH CHALAN.**
- EXT.P-4: TRUE COPY OF THE TEMPORARY PERMIT DATED 31.12.2014**
- EXT.P-5: TRUE COPY OF THE COMMUNICATION DATED 23.1.2015**
- EXT.P-6: TRUE COPY OF THE REQUEST DATED 23.2.2015**

RESPONDENT(S)' EXHIBITS: **NIL**

/TRUE COPY/

P.S.TO.JUDGE

sts

K. Vinod Chandran, J.

=====

W.P.(C)No.6402 of 2015

=====

Dated this the 2nd day of March, 2015.

JUDGMENT

1. Petitioner seeks issuance of a clearance certificate of a vehicle, which is endorsed in a regular permit. The regular permit is of a super fast service, which, as of now, cannot be renewed, since, there is a restriction, insofar as the KSRTC buses alone are permitted to run fast passenger service. Petitioner, however, contends that, a writ appeal is pending from the judgment of the learned single Judge, upholding such restriction. In such circumstances, the petitioner apprehends that, by taking clearance, the petitioner's permit would be treated as, having been surrendered.
2. Heard the learned counsel for the petitioner and the learned Government Pleader appearing for the respondent.
3. If the petitioner's application for renewal is pending, the petitioner shall be issued with a clearance certificate in respect of the vehicle

bearing registration No.KL-8/BC 100 without insisting for surrender of the existing regular permit issued in respect of that vehicle to operate on the route Thrissur-Kozhikode-Kannur.

4. In the circumstances, the writ petition is disposed of directing the respondent to consider Exhibit P6 request made by the petitioner for the issuance of Clearance Certificate in respect of stage carriage bearing registration No.KL-8/BC 100 and pass orders thereon without insisting for surrender of existing regular permit. Petitioner's renewal application would be considered, subject to the result of the writ appeal *de hors* the fact that clearance certificate has been issued, on the basis of the direction of this Court. The needful in the matter shall be done within one week from the date of production of a copy of this judgment, provided all dues to the Government as also the Kerala Motor Transport Workers' Welfare Fund Board, including check reports, with respect to the vehicle are satisfied. The petitioner shall produce the current records of the

vehicle sought to be substituted within a period of four months from today. If the current records are not produced within that time, permit shall stand cancelled.

K. Vinod Chandran, Judge.

sl.