

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ANIL K.NARENDHAN

FRIDAY, THE 24TH DAY OF APRIL 2015/4TH VAISAKHA, 1937

WP(C).No. 12793 of 2015 (Y)

PETITIONER(S) :

**K.C.SUKUMARAN,
KALATHUMKUNNATH HOUSE, CHERPLASSERY,
OTTAPALAM.**

BY ADV. SRI.I.DINESH MENON

RESPONDENT(S) :

**THE SECRETARY,
REGIONAL TRANSPORT AUTHORITY,
PALAKKAD- 678 001.**

BY GOVERNMENT PLEADER SRI.K.C.VINCENT

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 24-04-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

Msd.

WP(C).No. 12793 of 2015 (Y)

APPENDIX

PETITIONER(S)' EXHIBITS

**EXHIBIT P1: TRUE COPY OF THE REGULAR PERMIT ISSUED TO
THE PETITIONER.**

EXHIBIT P2: TRUE COPY OF THE RC BOOK OF KL.9.S.2050.

**EXHIBIT P3: TRUE COPY OF THE REQUEST SUBMITTED BY THE PETITIONER
BEFORE THE RESPONDENT DATED 13.04.2015.**

**EXHIBIT P4: TRUE COPY OF THE JUDGMENT IN W.P(C).NO.35377/2014
DATED 26.12.2014.**

RESPONDENT(S)' EXHIBITS

NIL

//TRUE COPY//

P.S.TO JUDGE.

Msd.

ANIL K.NARENDHAN, J.

W.P.(C).No.12793 of 2015

Dated this the 24th day of April, 2015

JUDGMENT

The petitioner is the holder of Ext.P1 regular permit valid till 23.2.2016. The vehicle covered under Ext.P1 permit, namely, KL-9 S 2050 a 2005 model vehicle. The petitioner submitted Ext.P3 request before the respondent for releasing the said vehicle from Ext.P1 permit so as to enable him to dispose of the same and offer a suitable later model vehicle for replacement. The grievance of the petitioner is that the respondent is not entertaining Ext.P3 representation. In such circumstances, the petitioner has approached this Court with writ of mandamus commanding the respondent to forthwith issue 'Clearance Certificate' on Ext.P3 request, releasing stage carriage KL-9 S 2050 from Ext.P1 permit issued to conduct service on the route Palakkad-Cherplassery without insisting on surrender/cancellation of the permit. The petitioner is relying Ext.P4 judgment of this Court on similar facts.

2. Heard the learned counsel for the petitioner and the learned Government Pleader appearing for the respondent.

3. In the facts and circumstances, this Writ Petition is disposed of directing the respondent to consider Ext.P3 request made by the petitioner for the issuance of 'Clearance Certificate' in respect of stage carriage bearing registration No.KL-9 S 2050 and pass appropriate orders thereon without insisting on surrender/cancellation of the permit. The needful shall be done within two weeks from the production of a certified copy of this judgment, provided all dues including check report, and also the Kerala Motor Transport Workers Welfare Fund with respect of the said vehicles are satisfied. The petitioner shall produce the current records of the vehicle to be substituted within a period of four months from today.

ANIL K.NARENDRA, JUDGE

skj