

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ANIL K.NARENDRAN

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

WP(C).No. 12947 of 2015 (P)

PETITIONER:

**KARUNAKARAN K.V., KAVYA,
KOLARI. P.O, MATTANNUR,
KANNUR DISTRICT.**

BY ADV. SRI.I.DINESH MENON.

RESPONDENT:

**THE SECRETARY,
REGIONAL TRANSPORT AUTHORITY,
KANNUR-670 001.**

BY GOVT. 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:**

rs.

WP(C).No. 12947 of 2015 (P)

APPENDIX

PETITIONER'S EXHIBITS:-

- EXT.P1 TRUE COPY OF THE REGULAR PERMIT ISSUED TO THE PETITIONER.
- EXT.P2 TRUE COPY OF THE RC BOOK OF KL-58 P- 6699.
- EXT.P3 TRUE COPY OF THE REQUEST SUBMITTED BY THE PETITIONER
BEFORE THE RESPONDENT DATED 16.04.2015.
- EXT.P4 TRUE COPY OF THE JUDGMENT IN WP(C).NO.35377/2014
DATED 26.12.2014.

RESPONDENT'S EXHIBITS:- NIL.

//TRUE COPY//

PA. TO JUDGE

rs.

ANIL K.NARENDRA, J.

W.P.(C).No.12947 of 2015

Dated this the 24th day of April, 2015

JUDGMENT

The petitioner is the holder of Ext.P1 regular permit valid till 5.3.2018. The vehicle covered under Ext.P1 permit, namely, KL-58-P 6699 a 2015 model vehicle. The petitioner submitted Ext.P3 request before the respondent for releasing the said vehicle from Ext.P1 permit as the registered owner of the vehicle is not intend to continue the lease agreement so as to enable him to offer a suitable 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-58-P 6699 from Ext.P1 permit issued to conduct service on the route Thalassery-Uruppumkutti without insisting on surrender/cancellation of the permit.

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-58-P 6699 and pass appropriate orders thereon without insisting on surrender/cancellation of the permit, if there is no other legal impediment. 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