

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE A.MUHAMED MUSTAQUE

FRIDAY, THE 8TH DAY OF MAY 2015/18TH VAISAKHA, 1937

WP(C).No.13941 of 2015 (P)

PETITIONER:

**KABEER AMBILOTH,S/O.MUHAMMED KADANGODANKANDY,
AMBILOTH HOUSE,ICHERY,NEDUNGOM P.O,KANNUR.**

BY ADV.SRI.I.DINESH MENON

RESPONDENT:

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

BY GOVT. PLEADER SRI.P.FAZIL.P

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 08-05-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

pk

WP(C).No.13941 of 2015 (P)

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.60.B.3679.

**EXHIBIT P3:TRUE COPY OF THE REQUEST SUBMITTED BY THE PETITIONER
BEFORE THE RESPONDENT DATED 16.4.15.**

**EXHIBIT P4:TRUE COPY OF THE JUDGMENT IN WPC NO.35377/2014
DATED 26.12.14.**

RESPONDENT'S EXHIBITS:

NIL

//TRUE COPY//

P.S. TO JUDGE

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A.MUHAMED MUSTAQUE, J.

W.P.(C) No.13941 of 2015

Dated this the 8th day of May, 2015

JUDGMENT

The petitioner is the holder of Ext.P1 regular permit valid till 13.9.2016. The vehicle covered under Ext.P1 permit, namely, KL-60-B-3679 a 2009 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 respondent is not entertaining Ext.P3 request. 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-60-B-3679 from Ext.P1 permit issued to conduct service on the route Arikkamala-Kannur 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.

3. In the facts and circumstances, the 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-60-B-3679, and pass appropriate orders thereon without insisting for 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 Board with respect of the said vehicle is satisfied. The petitioner shall also produce the current records of the vehicle to be substituted within a period of four months from today.

Sd/-

A.MUHAMED MUSTAQUE, JUDGE

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