

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

TUESDAY, THE 12TH DAY OF MAY 2015/22ND VAISAKHA, 1937

WP(C).No. 14216 of 2015 (B)

PETITIONER :

**BUSHARA NAZAR
VAZHAPPULLY HOUSE, AKAMALA, THRISSUR.**

BY ADV. SRI.I.DINESH MENON

RESPONDENT :

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

BY SENIOR GOVERNMENT PLEADER SRI. SRI. MOHAMMED SAVAD

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 12-05-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

bp

WP(C).No. 14216 of 2015 (B)

APPENDIX

PETITIONER(S)' EXHIBITS

P1: COPY OF THE RC BOOK OF KL-49. 4667

**P2 : TRUE COPY OF THE REQUEST SUBMITTED BY THE PETITIONER BEFORE THE
RESPONDENT DATED 2.5.2015.**

P3: TRUE COPY OF THE JUDGMENT IN WPC.NO.35377/2014 DATED 26.12.2014

RESPONDENT(S)' EXHIBITS : NIL.

//TRUE COPY//

P.A. TO JUDGE

bp

A. MUHAMED MUSTAQUE, J.

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W.P.(C) No.14216 of 2015

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Dated this the 12th day of May, 2015

JUDGMENT

The petitioner is the holder of Ext.P1 regular permit valid till 05.10.2015. The vehicle covered under Ext.P1 permit, namely, KL-49 4667 a 2007 model vehicle. The petitioner submitted Ext.P2 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.P2 representation. In such circumstances, the petitioner has approached this Court with writ of mandamus commanding the respondent to forthwith issue 'Clearance Certificate' on Exhibit P2 request, releasing stage carriage KL-49 4667 from Ext.P1 permit issued to conduct service on the route Melazhiyam-Palakkad without insisting on surrender/cancellation of the permit. The petitioner is relying Ext.P3 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.P2 request made by the petitioner for the issuance of 'Clearance certificate' in respect of stage carriage bearing registration No.KL-49 4667 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.

Sd/-

A. MUHAMED MUSTAQUE, JUDGE

sj