

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ALEXANDER THOMAS

FRIDAY, THE 15TH DAY OF MAY 2015/25TH VAISAKHA, 1937

WP(C).No. 14561 of 2015 (U)

PETITIONER(S):

**HARISHKUMAR AGED 34 YEARS
S/O.HARIDAS, THURUTHIYIL HOUSE, KIDANGOOR SOUTH P.O.
PALA, KOTTAYAM DISTRICT.**

BY ADV. SRI.P.DEEPAK

RESPONDENT(S):

**THE SECRETARY, REGIONAL TRANSPORT AUTHORITY, KOTTAYAM
686 001.**

BY GOVERNMENT PLEADER SRI.GITHU JACOB

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 15-05-
2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

WP(C).No. 14561 of 2015 (U)

APPENDIX

PETITIONER(S)' EXHIBITS

P1: TRUE COPY OF THE REGULAR PERMIT ISSUED TO KL-40/2799 VALID TILL 1/5/2020.

P2: TRUE COPY OF THE REQUEST FOR PERMIT-LESS CERTIFICATE DATED 4/5/2015.

P3: A TRUE COPY OF THE JUDGMENT DATED 7/1/2015 IN WPC NO.375/2015.

RESPONDENT(S)' EXHIBITS

NIL.

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///True copy///

P.S. to Judge

ALEXANDER THOMAS, J.

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W.P.(C).No. 14561 of 2014

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Dated this the 15th day of May, 2015

J U D G M E N T

The above Writ Petition (Civil) has been filed with the following prayers:

- “1. Issue a writ in the nature of mandamus or such other writ, order or direction commanding the respondent to forthwith issue 'permit-less certificate' on Exhibit P2 application, releasing stage carriage bearing registration number KL-40/2799 from Exhibit P1 regular permit issued to it to conduct service on the route KAVUMKANDAM-CHERTHALA without insisting on surrender/cancellation of Exhibit P1 permit.
2. Issue such other writ, order or direction as this Honourable Court may deem fit and appropriate in the facts and circumstances of the case.”

2. The petitioner relies on the judgment of this Court that Ext.P-3 rendered on 7.1.2015 in W.P.(C).No. 375/2015, which reads as follows:

“The prayer made in the writ petition is for the issuance of a permit-less Certificate in respect of the vehicle bearing registration No.KL-07-BV-34 and keep the permit, issued in respect of that vehicle, to operate on the route Thuthiyoor – Fort Kochi.

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

3. In the circumstances, the writ petition is disposed of directing the respondents to consider Exhibit P1 request made by the petitioner for the issuance of Clearance Certificate in respect of stage carriage bearing registration No.KL-07-BV-34, and pass orders

thereon without insisting for surrender of existing regular permit. 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, including check reports, and also the Kerala Motor Transport Workers' Welfare Fund Board 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, failing which the permit shall stand revoked.

The Writ Petition is disposed of.”

3. Heard Sri.P.Deepak, learned counsel for the petitioner and the learned Government Pleader appearing for the respondent.

4. In the facts and circumstances of this case, it is ordered that in case Ext.P-2 application has been received and is pending consideration of the respondent, then the respondent-Secretary, Regional Transport Authority, Kottayam, shall consider the said request in Ext.P-1 made by the petitioner for issuance of clearance certificate in respect of the stage carriage bearing registration No.KL40-2799 and pass orders thereon without insisting for surrender of existing permit. The needful in this matter shall be done within one week from the date of production of a copy of this judgment, provided all dues to the Government, including check reports and also the Kerala Motor Transport Workers' Welfare Fund Board 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, failing which the permit shall stand revoked.

With these observations and directions, the Writ Petition (Civil) stands finally disposed of.

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Sd/-
ALEXANDER THOMAS, JUDGE

///True copy///

P.S. to Judge