

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.V.RAMAKRISHNA PILLAI

WEDNESDAY, THE 27TH DAY OF MAY 2015/6TH JYAISHTA, 1937

WP(C).No. 15128 of 2015 (M)

NAME AND ADDRESS OF THE PETITIONER(S) :

**ANILKUMAR,
S/O.GOPINATHAN, ABHIRAMAM, KOTTIYAM P.O.,
THAZHUTHALA, KOLLAM- 691 571.**

BY ADV. SRI.O.D.SIVADAS

NAME AND ADDRESS OF THE RESPONDENT(S) :

**THE SECRETARY,
REGIONAL TRANSPORT AUTHORITY,
KOLLAM- 691 001**

BY GOVERNMENT PLEADER SMT.K.A.SANJEETHA

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 27-05-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

Msd.

WP(C).No. 15128 of 2015 (M)

APPENDIX

PETITIONER(S)' EXHIBITS

EXHIBIT P1: TRUE COPY OF THE PERMIT DATED 16/12/2013.

**EXHIBIT P2: TRUE COPY OF THE APPLICATION DATED 29/04/2015 SUBMITTED
BY THE PETITIONER.**

RESPONDENT(S)' EXHIBITS

NIL

//TRUE COPY//

P.A.TO JUDGE.

Msd.

A.V. RAMAKRISHNA PILLAI, J.

W.P.(C) No. 15128 of 2015

Dated this the 27th day of May, 2015

J U D G M E N T

Aggrieved by the delay on the part of the respondent to consider Ext.P2 application and to endorse the old vehicle in the permit, the petitioner has come up before this Court.

2. The petitioner is an existing operator between Kulathupuzha and Kollam with stage carriage bearing Reg.No.KL 34/1819. Due to the bad condition of the vehicle, the petitioner applied for clearance certificate by retaining the vehicle under suspended animation and clearance certificate was granted pursuant to judgment dated 10.11.2014 in WP(C) No.29149/2014. The clearance certificate was obtained by the petitioner so as to purchase another vehicle by selling the existing vehicle. However, on account of the bad condition of the vehicle, sufficient amount could not be fetched for the

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vehicle and thereby the petitioner decided to repair the vehicle. Accordingly, he repaired the said vehicle and submitted Ext.P2 application to endorse the same vehicle in the permit, in which no decision has been taken by the respondent. According to the petitioner, since there is no change of vehicle, application for replacement is not necessary and what is required is formal endorsement of the old vehicle by the respondent. It is in this context, the petitioner has come up before this Court.

3. I have heard the learned counsel for the petitioner and the learned Government Pleader in the matter.

4. The learned counsel for the petitioner confined his argument to the limited prayer for a direction to the respondent to consider and pass appropriate orders on Ext.P2 application within a time frame.

Considering the nature of the submission, this writ petition is disposed of directing the respondent to consider and pass appropriate orders on Ext.P2

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application after affording the petitioner an opportunity of being heard, within a period of two weeks from the date of receipt of a copy of this judgment.

To facilitate an early action, the petitioner shall be at liberty to produce a copy of this judgment as well as a copy of this writ petition before the respondent at the earliest.

Sd/-
A.V. RAMAKRISHNA PILLAI
JUDGE

bka/-