

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE A.V.RAMAKRISHNA PILLAI

WEDNESDAY, THE 3RD DAY OF JUNE 2015/13TH JYASHTA, 1937

WP(C).No.15491 of 2015 (J)

PETITIONER:

**YOUSAF,S/O.AYAMMED,3/2 NADALAKANDIYIL HOUSE,
KATTIPARA P.O.,THAMARASSERY,KOZHIKODE.**

**BY ADVS.SRI.G.HARIHARAN
SRI.PRAVEEN.H.**

RESPONDENT:

**THE SECRETARY (RTO),
REGIONAL TRANSPORT AUTHORITY,
KOZHIKODE - 673 001.**

BY GOVT. PLEADER SMT.K.A.SANJEETHA.

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 03-06-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

pk

WP(C).No.15491 of 2015 (J)

APPENDIX

PETITIONER'S EXHIBITS:

- P1 - TRUE COPY OF THE REGULAR PERMIT RELATING TO BUS
NO.KL-11R-5460.**
- P2 - TRUE COPY OF THE APPLICATION DT. 20.5.15 FILED BY THE PETITIONER
BEFORE THE RESPONDENT.**
- P3 - TRUE COPY OF THE JUDGMENT MADE IN WPC NO.1791/2014 DT. 20.1.14.**

RESPONDENT'S EXHIBITS:

NIL

//TRUE COPY//

P.S. TO JUDGE

pk

A.V. RAMAKRISHNA PILLAI, J.

W.P.(C) No.15491 of 2015

Dated this the 3rd day of June, 2015.

JUDGMENT

Aggrieved by the delay in considering Ext.P2 application by the respondent, the petitioner has come up before this Court.

2. The petitioner is a stage carriage operator and is the registered owner of bus No.KL-11 R-5460 which is covered with a regular stage carriage permit to operate on the route Thalayad - Thamarassery, Balussery - Kozhikode - Moothottikkal, Kakkayam which is valid up to 11.4.2017. The petitioner alleges that the vehicle in question is a 2006 model vehicle and due to frequent mechanical defects, the vehicle is not suitable for regular operation on the route in question and hence the petitioner had decided to dispose of the vehicle and to procure a later model vehicle for the purpose of operation of service on the above route. Without selling the vehicle, the petitioner will not be in a position to operate the service and

hence the petitioner has made an application for the issuance of the clearance certificate in respect of the above mentioned vehicle without insisting for surrender of permit vide application dated 5.5.2015. The petitioner further alleges that in similar circumstances similarly placed operators have approached this Court wherein directions have been made by this Court to consider the request. However, the respondent is reluctant to take a decision on Ext.P2 application filed by the petitioner.

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

Considering the nature of submissions and the nature of relief sought for, the writ petition is disposed of directing the respondent to consider and pass orders on Ext.P2 application, after affording an opportunity of being heard the petitioner, within a period of two weeks from the date of receipt of a copy of this judgment. To facilitate an early action, it shall be open to the petitioner to produce a copy of the writ petition as well

as the copy of this judgment before the respondent at the earliest.

Sd/-
A.V. RAMAKRISHNA PILLAI
JUDGE

Scl.