

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 JYAISHTA, 1937

WP(C).No. 15692 of 2015 (J)

PETITIONER :

**RAHUL TOM, MANAGING DIRECTOR,
KONDODY MOTORS PRIVATE LIMITED.,
KODIMATHA, KOTTAYAM.**

BY ADV. SRI.K.V.GOPINATHAN NAIR

RESPONDENT :

**THE SECRETARY,
REGIONAL TRANSPORT AUTHORITY,
IDUKKI, PIN-685 602.**

BY GOVERNMENT PLEADER SMT. K.A.SANJEETHA

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 03-06-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

sts

WP(C).No. 15692 of 2015 (J)

APPENDIX

PETITIONER(S)' EXHIBITS

- P1 : TRUE COPY OF THE REGULAR PERMIT ISSUED TO THE PETITIONER ON THE
ROUTE KOTTAYAM-THOOKKUPALAM VALID UP TO 22-3-2012.
- P2 : TRUE COPY OF THE APPLICATION SUBMITTED BY THE PETITIONER BEFORE
THE RESPONDENT DATED 14-5-2015.
- P3 : TRUE COPY OF THE JUDGMENT OF THIS HONOURABLE COURT IN 25140/2013
DATED 11-10-2013.

RESPONDENT(S)' EXHIBITS:

NIL

/TRUE COPY/

P.A.TO JUDGE

sts

A.V. RAMAKRISHNA PILLAI, J.

W.P.(C) No.15692 of 2015

Dated this the 3rd day of June, 2015.

JUDGMENT

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

2. The petitioner is the holder of a regular permit operating between Kottayam and Thookkupalam in respect of his stage carriage KL-05/ac 3989. The petitioner alleges that his regular permit is valid upto 22.3.2012 and the petitioner's application for renewal of permit is pending consideration by the Regional Transport Authority. This service is allowed to operate as Fast Passenger Service. The issue whether the said permit can be renewed or not on the basis of a notification issued by the Government is still under consideration and the petitioner cannot keep his vehicle idle without operation and he is not granted temporary permit also under Section 87(1) (d) of the Motor Vehicles Act; it is alleged. Under the above

circumstances, the petitioner submitted application before the respondent to issue clearance certificate/permitless certificate in respect of the above vehicle KL-05/AC 3989 without insisting surrender of regular permit. The petitioner further alleges that he will be able to procure a later model vehicle and submit current records in the event of his application for renewal of permit is allowed by the Regional Transport Authority. Intimating the above aspects, the petitioner submitted an application for issue of clearance certificate/permitless certificate in respect of stage carriage KL-05/AC 3989 as per Ext.P2. The respondent is the authority to issue the same by considering Ext.P2 application. But the respondent has not issued the same so far.

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 for a speedy disposal of Ext.P2 application.

Considering the nature of the prayer and the nature of the submissions, the writ petition is disposed of directing the respondent to consider and pass appropriate orders on Ext.P2 application, after affording the petitioner an opportunity of being heard, within a period of three 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 first respondent at the earliest.

Sd/-
A.V. RAMAKRISHNA PILLAI
JUDGE

Scl.