

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.V.RAMAKRISHNA PILLAI

WEDNESDAY, THE 17TH DAY OF JUNE 2015/27TH JYAISHTA, 1937

WP(C).No. 17701 of 2015 (K)

PETITIONER(S):

**JOSHY GEORGE, S/O.GEORGE,
PULIKKAMYALIL HOUSE, PARAPPUZHA P.O.,
THODUPUZHA, IDUKKI DISTRICT.**

BY ADV. SRI.O.D.SIVADAS.

RESPONDENT(S):

**THE SECRETARY,
REGIONAL TRANSPORT AUTHORITY,
IDUKKI- 686 502.**

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

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 17-06-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

rs.

WP(C).No. 17701 of 2015 (K)

APPENDIX

PETITIONER'S EXHIBITS:-

**P1: TRUE COPY OF THE APPLICATION FOR REPLACEMENT WITH
CHALLAN 08.06.2015.**

**P2: TRUE COPY OF THE JUDGMENT OF THIS HON'BLE COURT IN
WP(C).NO.6606/2015.**

RESPONDENT'S EXHIBITS:- NIL.

//TRUE COPY//

P.A. TO JUDGE

rs.

A.V. RAMAKRISHNA PILLAI, J.

W.P.(C) No. 17701 of 2015

Dated this the 17th day of June, 2015

J U D G M E N T

Aggrieved by the denial of replacement by the respondent on the ground of delay in producing the records of the vehicle, the petitioner has come up before this Court.

2. The petitioner is an existing stage carriage operator on the route between Malayinchi and Thodupuzha; and the permit was issued in respect of stage carriage No.KL-38 C/7043. The petitioner alleges that on account of mechanical complaint of the vehicle, he obtained clearance certificate by retaining the permit under suspended animation. The petitioner applied for replacement with a suitable vehicle, which has not been granted by the respondent for the reason that he has failed to produce the records of the incoming vehicle within the stipulated period after obtaining clearance certificate. According to the petitioner, the delay in producing the records of the incoming vehicle is not at all a reason to deny replacement. It is in this context, the petitioner has approached before this Court.

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3. Heard the learned counsel for the petitioner and the learned Government Pleader in the matter.

4. When the matter was taken up, 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.P1 application in the light of Ext.P2 judgment within a time frame.

Therefore, the writ petition is disposed of directing the respondent to consider and pass appropriate orders on Ext.P1 application in the light of Ext.P2 judgment 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 along with a copy of Ext.P2 before the respondent at the earliest.

Sd/-
A.V. RAMAKRISHNA PILLAI
JUDGE

bka/-