

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.V.RAMAKRISHNA PILLAI

FRIDAY, THE 10TH DAY OF JULY 2015/19TH ASHADHA, 1937

WP(C).No. 19945 of 2015 (P)

PETITIONER(S):

**M.V.SUKUMARAN,
S/O.CHIRUKANDAN, PAVIZHAM, PILATHARA,
KANNUR DISTRICT.**

BY ADV. SRI.O.D.SIVADAS

RESPONDENT(S):

**THE SECRETARY,
REGIONAL TRANSPORT AUTHORITY,
KASARAGOD 671 121.**

BY GOVERNMENT PLEADER SMT.K.A.SANJEETHA

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 10-07-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

PJ

WP(C).No. 19945 of 2015 (P)

APPENDIX

PETITIONER(S)' EXHIBITS

EXHIBIT P1. COPY OF THE APPLICATION FOR RENEWAL OF PERMIT.

EXHIBIT P2. COPY OF THE APPLICATION FOR REPLACEMENT.

**EXHIBIT P3. COPY OF THE JUDGMENT OF THIS HONOURABLE COURT IN WPC
6606/2015 DTD.5-3-15**

RESPONDENT(S)' EXHIBITS

NIL.

/ TRUE COPY /

P.S. TO JUDGE

PJ

A.V.RAMAKRISHNA PILLAI, J

WPC No.19945 of 2015

Dated this the 10th day of July, 2015

JUDGMENT

Aggrieved by the inaction on the part of the respondent in considering the applications for renewal and replacement, the petitioner has come up before this Court.

2. The petitioner is an existing stage carriage operator on the route between Anandasram and Parassinikadav and the permit was issued in respect of stage carriage bearing Reg.No.KL-58A/4145 which was valid till 30.5.2015. According to the petitioner, since the original vehicle No.KL-58A/4145 is not fit for operation, he had obtained clearance certificate on 2.1.2014 retaining the permit under suspended animation as per judgment in WPC No.29416/2013 dated 29.11.2013. As per the judgment, the petitioner has to produce the records of the incoming vehicle within four months. On account of

shortage of funds, the petitioner was unable to produce the records of the vehicle in time. Thereafter, the petitioner applied for replacement with a suitable vehicle and the same has not so far been granted by the Secretary, Regional Transport Authority on the reason that the petitioner has failed to produce the records of the incoming vehicle within the stipulated period after obtaining clearance certificate. The delay in producing the records of the incoming vehicle is not at all a reason to deny replacement; it is alleged. It is further pointed out that this Court considered similar matter in WPC No.24258/2014 and as per order in I.A.No.2453/2014, it has been held that if the records are produced subsequently, the same is not a ground to deny replacement. Therefore, the replacement sought by the petitioner in the instant case is a permissible exercise and the respondent ought to have granted the same. Considering the date of expiry of the permit, the petitioner had also applied for renewal of permit. No action has been taken by the respondent on this application also. It

is with this background the petitioner has come up before this Court.

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

4. The learned counsel for the petitioner submitted that the petitioner has produced the documents before the respondent.

As there is no hurdle for considering the renewal application for replacement at present, this writ petition is disposed of directing the respondent to consider Exts.P1 and P2 applications for renewal and replacement submitted by the petitioner within a period of one month from the date of receipt of a copy of this judgment.

**sd/- A.V.RAMAKRISHNA PILLAI
JUDGE**

css/

true copy

P.S.TO JUDGE