

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.V.RAMAKRISHNA PILLAI

TUESDAY, THE 4TH DAY OF AUGUST 2015/13TH SRAVANA, 1937

WP(C).No. 23152 of 2015 (T)

PETITIONER :

**A. BALKEES,
D/O.MYMOON, 9/339,
M.P. ROAD, OLAVAKODE,
PALAKKAD.**

BY ADV. SRI.I.DINESH MENON

RESPONDENT :

**THE SECRETARY,
REGIONAL TRANSPORT AUTHORITY
PALAKKAD - 678 001.**

BY GOVT. PLEADER SMT. K.A. SANJEETHA

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 04-08-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

Mn

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WP(C).No. 23152 of 2015 (T)

APPENDIX

PETITIONERS' EXHIBITS :

EXHIBIT P1. COPY OF THE REGULAR PERMIT ISSUED TO THE PETITIONER.

EXHIBIT P2. COPY OF THE RC BOOK OF THE VEHICLE KL.09 W 9556.

EXHIBIT P3. COPY OF THE REQUEST DATED 27.7.15.

EXHIBIT P4. COPY OF THE JUDGMENT IN WP(C) NO. 16186/15 DATED 5.6.15.

RESPONDENT(S)' EXHIBITS : NIL

//TRUE COPY//

P.A. TO JUDGE

Mn

A.V. RAMAKRISHNA PILLAI, J.

W.P.(C) No. 23152 of 2015

Dated this the 4th day of August, 2015

J U D G M E N T

Seeking for a direction to the respondent to issue clearance certificate by keeping the regular permit under suspended animation without insisting on surrender of existing regular permit, the petitioner has come up before this Court.

2. The petitioner is a regular permit holder on the route between Palakkad and Nemmara in respect of stage carriage bearing Reg.No.KL-09 W 9556, which is a 2008 model vehicle. He submitted Ext.P3 request before the respondent for releasing KL-09 W 9556 from its permit so as to enable him to produce a suitable later model vehicle for replacement. The petitioner points out that it is evident from Ext.P3 that his intention is to release the vehicle alone and not the permit. The petitioner further points out that the vehicle covered by a permit can be released from the permit keeping the permit under

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suspended animation till such time as another vehicle is offered for replacement during the currency of the permit is no longer res integra. The petitioner's grievance is that the respondent is not entertaining Ext.P2 request submitted by him. It is in this context, the petitioner has come up before this Court.

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

Considering the nature of the prayer, the writ petition is disposed of directing the respondent to consider and pass appropriate orders on Ext.P3 application submitted by the petitioner within a period of two weeks from the date of receipt of a copy of this judgment. However, the petitioner shall produce records relating to the vehicle intended to be replaced, within four months from the date of clearance.

Sd/-
A.V. RAMAKRISHNA PILLAI
JUDGE

bka/-