

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.ABRAHAM MATHEW

WEDNESDAY, THE 19TH DAY OF AUGUST 2015/28TH SRAVANA, 1937

WP(C).No. 24512 of 2015 (L)

PETITIONER(S):

**VINEESH, AGED 43 YEARS,
S/O.SUKUMARAN, THANNIKKAL HOUSE, P.O.KURICHIKKARA,
PONGANAMKAD, THRISSUR.**

BY ADV. SRI.P.DEEPAK

RESPONDENT(S):

**SECRETARY,
REGIONAL TRANSPORT AUTHORITY,
THRISSUR 680002.**

BY GOVERNMENT PLEADER SMT.K.A.SANJEETHA

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 19-08-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

PJ

WP(C).No. 24512 of 2015 (L)

APPENDIX

PETITIONER(S)' EXHIBITS

- P1- A TRUE COPY OF THE REGULAR PERMIT VALID TILL 13.3.2016**
P2- A TRUE COPY OF THE NOTICE DATED 6.7.2015
P3- A TRUE COPY OF THE REPRESENTATION DATED 6.8.2015
P4- TRUE COPY OF THE JUDGMENT IN WPC NO. 6606/2015 DATED 5.3.2015

RESPONDENT(S)' EXHIBITS

NIL.

/ TRUE COPY /

P.S. TO JUDGE

PJ

A.V. RAMAKRISHNA PILLAI, J.

W.P.(C) No.24512 of 2015

Dated this the 19th day of August, 2015.

JUDGMENT

The petitioner is seeking a direction to the respondent to condone the delay and endorse replacement.

2. The petitioner holds a regular permit to conduct service on the route between Thrissur and Thripayar. The permit is valid till 13.3.2016. On 13.3.2015 the respondent herein issued a clearance certificate to the vehicle covered under Ext.P1 permit, viz, stage carriage bearing registration No.KL-38/2544, a 2003 (October) model with 35 seats, keeping the permit in suspended animation. On 6.8.2015, the petitioner is served with a notice dated 6.7.2015 from the respondent herein requiring him to show cause why Ext.P1 permit shall not be cancelled/suspended for failure to use the vehicle continuously from 7.3.2015 onwards. The petitioner further alleges that immediately on receipt of Ext.P2, the petitioner submitted a representation before the respondent herein explaining the reason for the delay in applying for resumption of the suspended service. The petitioner also

informed the respondent that he has since procured a later model vehicle with a higher seating capacity, viz, the vehicle bearing registration No.KL-02/U 3710, a 2004 (December) model with 38 seats which can be substituted for the original vehicle. Ext.P1 permit has not been revoked yet. 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 in the matter.

4. The learned counsel for the petitioner would submit that there is only delay of 32 days in submitting the application.

Considering the nature of the submissions and the nature of the relief sought for, the writ petition is disposed of directing the respondent to consider the application of the petitioner, if the same is otherwise in order on the petitioner's remitting Rs.5,000/- to the Road Safety Fund in the head of account "0041-00-800-99 (02) other receipts".

Sd/-
A.V. RAMAKRISHNA PILLAI
JUDGE

Scl.