

**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT:**

**THE HONOURABLE MR. JUSTICE A.V.RAMAKRISHNA PILLAI**

**FRIDAY, THE 21ST DAY OF AUGUST 2015/30TH SRAVANA, 1937H**

**WP(C).No. 25050 of 2015 (E)**  
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**PETITIONER :**  
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**JIMMY, S/O.PAULOSE,  
IYYANAM HOUSE, MURINGUR, MELUR,  
THRISSUR.**

**BY ADV. SRI.P.DEEPAK**

**RESPONDENT :**  
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**THE SECRETARY  
REGIONAL TRANSPORT AUTHORITY, THRISSUR 680 002.**

**BY GOVERNMENT PLEADER SMT. K.A. SANJEETHA**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION  
ON 21-08-2015, THE COURT ON THE SAME DAY DELIVERED THE  
FOLLOWING:**

**bp**

WP(C).No. 25050 of 2015 (E)

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**APPENDIX**

**PETITIONER(S)' EXHIBITS**

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- P1: A TRUE COPY OF THE REGULAR PERMIT ISSUED TO THE PETITIONER ON THE ROUTE VYPIN-PALAKKAD.
- P2: A TRUE COPY OF THE APPLICATION FOR REPLACEMENT DATED 13.08.2015.
- P3: A TRUE COPY OF THE JUDGMENT DATED 09.04.2015 IN WPC NO.11922 OF 2015
- P4: A TRUE COPY OF THE JUDGMENT IN WPC NO.6606/2015 DATED 05.03.2015

RESPONDENT(S)' EXHIBITS : NIL.

//TRUE COPY//

P.A. TO JUDGE

bp

**A.V. RAMAKRISHNA PILLAI, J.**

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W.P.(C) No. 25050 of 2015  
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Dated this the 21<sup>st</sup> day of August, 2015

**J U D G M E N T**

The petitioner holds a regular permit to conduct service on the route between Vypin and Palakkad. The permit originally issued was valid for a period of five years from 15.10.2006 to 14.10.2011. Thereafter, it was renewed for a further period of five years till 14.10.2016. Owing to the fact that the stage carriage bearing Reg.No.KL-45/A 8161, a 2007 model with a seating capacity of 48 in all covered under Ext.P1 permit, was prone to frequent breakdowns, the petitioner was constrained to obtain a clearance certificate for the said vehicle and to dispose of the same keeping Ext.P1 permit under suspended animation. As, the petitioner has since procured another stage carriage bearing Reg.No.KL-13/N7, which, according to the petitioner, is in good running condition and exceedingly suitable for operation

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on the said route, the petitioner filed an application for replacement. However, the respondent is refusing to endorse the replacement of vehicle in Ext.P1 permit on the reason that the incoming vehicle is older than the outgoing vehicle. Another reason stated is that the replacement ought to have been effected within 4 months from the date of issue of clearance certificate. Hence, this writ petition.

3. Heard the learned counsel for the petitioner and the learned senior Government Pleader.

4. Opposing the prayer, the learned senior Government Pleader, on instructions, submitted that there was delay in producing the current records and the same were not produced within the time granted while issuing clearance certificate to the vehicle, which was running on the basis of a regular permit.

However, as the learned counsel for the petitioner stated genuine reason for not producing the current records, this writ petition is disposed of directing the

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respondent to consider the petitioner's application afresh and allow the same if there is no other legal impediment on condition that the petitioner remits an amount of ₹5,00/- (Rupees five hundred only) to the Road Safety Fund, in the head of account "0041-00-800-99(02) other receipts". The payment, as directed above, shall be made within two weeks from the date of receipt of copy of this judgment.

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

bka/-