

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.HARILAL

MONDAY, THE 7TH DAY OF DECEMBER 2015/16TH AGRAHAYANA, 1937

WP(C).No. 35273 of 2015 (H)

PETITIONER :

**AJEESH K.TOM,
S/O.TOMY THOMAS,
KANIYAMUZHIYIL, VAZHAKULAM P.O.,
MANJALLOOR, MOOVATTUPUZHA.**

BY ADV. SRI.PRASAD CHANDRAN

RESPONDENT :

**THE SECRETARY,
REGIONAL TRANSPORT AUTHORITY,
KOTTAYAM, PIN - 686 002.**

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

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 07-12-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

Mn

...2/-

WP(C).No. 35273 of 2015 (H)

APPENDIX

PETITIONERS' EXHIBITS :

**EXT.P1: TRUE COPY OF THE REGULAR PERMIT IN RESPECT OF STAGE
 CARRIAGE KL-38/A 3045 ON THE ROUTE KOTTAYAM – THODUPUZHA.**

**EXT.P2: TRUE COPY OF THE APPLICATION SUBMITTED BY THE PETITIONER
 BEFORE THE RESPONDENT DATED 2.11.2015.**

RESPONDENT(S)' EXHIBITS : NIL

//TRUE COPY//

P.S. TO JUDGE

Mn

K. HARILAL, J.

W.P. (C) No. 35273 of 2015-H

Dated this the 7th day of December, 2015

JUDGMENT

The petitioner is the holder of a regular permit on the route of Kottayam - Thodupuzha, which is valid up to 22/9/2018. The said permit is covered by the stage carriage bearing Registration No.KL-38/A-3045, which is a 2009 model vehicle. The petitioner filed Ext.P2 application before the respondent for appropriate order releasing the aforesaid vehicle from its permit so as to enable him to produce a suitable later model vehicle for replacement. The question, whether clearance certificate can be granted without insisting on the surrender of the existing permit in respect of the vehicle, was considered by this Court in Aysha v. R.T.A., Kasaragod [2006 (3) KLT 1013] and answered

positively. In view of the above decision, the respondent is directed to pass orders accordingly on Ext.P2 application without insisting on surrender of the permit, at the earliest, within a period of two weeks from today.

2. It shall, however, be ensured that all dues to the Government, including check reports and also to the Kerala Motor Transport Workers Welfare Fund Board, are satisfied.

3. The respondent shall also specify the period within which the petitioner shall replace the vehicle on the route covered by the permit. This is because the vehicle now in use requires to be replaced by another to resume operations on the route covered by the permit.

This writ petition is disposed of accordingly.

Sd/-
(K. HARILAL, JUDGE)

Nan/ //true copy// P.S. to Judge