

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.HARILAL

THURSDAY, THE 26TH DAY OF NOVEMBER 2015/5TH AGRAHAYANA, 1937

WP(C).No. 35342 of 2015 (P)

PETITIONER(S):

**FAISAL,
S/O.MOIDEENKUTTY, KAIMALLI HOUSE, PANG P.O.,
CHANTHAPARAMBA PERINTHALMANNA, MALAPPURAM.**

BY ADV. SRI.I.DINESH MENON

RESPONDENT(S):

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

BY SENIOR GOVERNMENT PLEADER SMT.SANJEETHA K.A.

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
26-11-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

msv/

WP(C).No. 35342 of 2015 (P)

APPENDIX

PETITIONER(S)' EXHIBITS

P1 - TRUE COPY OF THE REGULAR PERMIT ISSUED TO THE PETITIONER.

P2 - TRUE COPY OF THE RC BOOK OF THE VEHICLE KL-08 U 6586.

P3 - TRUE COPY OF THE REQUEST DATED 16.11.2015.

P4 - TRUE COPY OF THE JUDGMENT IN WPC. NO.26955/2015 DATED 11.9.2015

RESPONDENT(S)' EXHIBITS:

NIL

//TRUE COPY//

P.S.TO JUDGE

Msv/

K. HARILAL, J.

W.P. (C) No. 35342 of 2015-P

Dated this the 26th day of November, 2015

JUDGMENT

The petitioner is the holder of a regular permit on the route of Anakkara - Aliparambu, which is valid up to 3/7/2016. The said permit is covered by the stage carriage bearing Registration No.KL-08 U 6586, which is a 2001 model vehicle. The petitioner filed Ext.P3 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.P3 application without insisting on surrender of the permit, at the earliest, within a period of two weeks from today.

2. Such clearance certificate can be granted without insisting on the surrender of the existing regular permit in respect of the vehicle. 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