

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

THURSDAY, THE 3RD DAY OF DECEMBER 2015/12TH AGRAHAYANA, 1937

WP(C).No. 35362 of 2015 (U)

PETITIONER(S):

**RAMSEENA,
SOOPI POKARAKATH HOUSE, IRINGAL, THIRUVATTOOR,
PIN - 670 141.**

BY ADV. SRI.O.D.SIVADAS

RESPONDENT(S):

**THE SECRETARY, REGIONAL TRANSPORT AUTHORITY,
KASARGOD - 671 121.**

BY SENIOR GOVERNMENT PLEADER SMT.K.A.SANJEETHA

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
03-12-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

msv/

WP(C).No. 35362 of 2015 (U)

APPENDIX

PETITIONER(S)' EXHIBITS

P1- TRUE COPY OF THE APPLICATION SUBMITTED BY THE PETITIONER.

RESPONDENT(S)' EXHIBITS:

NIL

//TRUE COPY//

P.S.TO JUDGE

MsV/

K. HARILAL, J.

= = = = =

W.P. (C) No. 35362 of 2015

- - - - -

Dated this the 3rd day of December, 2015

J U D G M E N T

The petitioner is the holder of a regular permit on the route of Madikkaimadam - Kannur - Kasargod, which is valid up to 13.09.2018. The said permit is covered by the stage carriage bearing Registration No.KL-59 C 5665. The petitioner filed Ext.P1 application before the respondent for appropriate order releasing the aforesaid vehicle from its permit so as to enable him to substitute another suitable vehicle. 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.P1 application without insisting on surrender of the

-: 2 :-

existing 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**

DST

//True copy//

P.A. To Judge