

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.HARILAL

WEDNESDAY, THE 2ND DAY OF DECEMBER 2015/11TH AGRAHAYANA, 1937

WP(C).No. 35622 of 2015 (C)

PETITIONER:

**RUBY,
W/O.SHAMSUDEEN,
MALETH HOUSE,
THANDEKKAD
VANGOLA,
PERUMBAVOOR,
ERNAKULAM.**

BY ADV. SRI.G.PRABHAKARAN

RESPONDENT:

**THE SECRETARY,
REGIONAL TRANSPORT AUTHORITY,
MUVATTUPUZHA-686661.**

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

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 02-12-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

WP(C).No. 35622 of 2015 (C)

APPENDIX

PETITIONER(S)' EXHIBITS

- P1 THE TRUE COPY OF THE PERMIT NO.P.ST.17/872/2015 DATED 1.4.2015.**
- P2 TRUE COPY OF THE REQUEST FILED BY THE PETITIONER BEFORE
RESPONDENT DATED 19.11.2015 VEHICLE NO.KL 5.Q 1161 ON THE ROUTE
KOTHAMANGALAM-THRIPPUNITHURA.**
- P3 TRUE COPY OF THE JUDGMENT DATED 26.3.2015 IN WP(C)9659/2015.**

RESPONDENT(S)' EXHIBITS:- NIL

/TRUE COPY/

P.A. TO JUDGE

DCS

K. HARILAL, J.

W.P.(C) No. 35622 of 2015-C

Dated this the 2nd day of December, 2015

JUDGMENT

The petitioner is the holder of a regular permit on the route of Kothamangalam - Thrippunithura, which is valid up to 31/03/2020. The said permit is covered by the stage carriage bearing Registration No.KL-05-Q-1161. 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.

K. HARILAL, JUDGE

DCS