

**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. 35753 of 2015 (T)**  
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**PETITIONER :**  
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**ABDUL VAHAB  
S/O. KAMMU, KIZHAKKUMPARAMPAN HOUSE,  
KADAMBODE, ANAKKAYAM  
MANJERI, MALAPPURAM DISTRICT**

**BY ADV. SRI.SAJU J.VALLYARA**

**RESPONDENT :**  
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**THE SECRETARY  
REGIONAL TRANSPORT AUTHORITY,  
MALAPPURAM , PIN- 676505**

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

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

**Mn**

**...2/-**

**WP(C).No. 35753 of 2015 (T)**  
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**APPENDIX**

**PETITIONERS' EXHIBITS :**  
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**EXT. P1:-       PHOTOCOPY OF THE REGULAR PERMIT VIDE NO P.ST 10/195/2001  
ISSUED TO THE PETITIONER BY THE RESPONDENT.**

**EXT. P2:-       PHOTOCOPY OF THE REQUEST DTD. 19/11/2015 SUBMITTED BY THE  
PETITIONER BEFORE THE RESPONDENT.**

**RESPONDENT(S)' EXHIBITS :       NIL**  
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**//TRUE COPY//**

**P.S. TO JUDGE**

**Mn**

**K. HARILAL, J.**

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**W.P. (C) No. 35753 of 2015**

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Dated this the 2<sup>nd</sup> 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 Pappinippara - Wandoor, which is valid up to 12/12/2016. The said permit is covered by the stage carriage bearing Registration No.KL-55-1675. 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

-: 2 :-

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