

**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT:**

**THE HONOURABLE MR.JUSTICE K.HARILAL**

**FRIDAY, THE 4TH DAY OF DECEMBER 2015/13TH AGRAHAYANA, 1937**

**WP(C).No. 35824 of 2015 (C)**  
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**PETITIONER(S):**  
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**ABDUL MAJEED, SAJEEM MANZIL,  
PEROOR. P.O, KILIMANOOR,  
THIRUVANANTHAPURAM DISTRICT.**

**BY ADV. SRI.O.D.SIVADAS.**

**RESPONDENT(S):**  
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**THE SECRETARY,  
REGIONAL TRANSPORT AUTHORITY,  
THIRUVANANTHAPURAM (RURAL),  
ATTINGAL-695 101.**

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

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION  
ON 04-12-2015, THE COURT ON THE SAME DAY DELIVERED THE  
FOLLOWING:**

**rs.**

**WP(C).No. 35824 of 2015 (C)**

**APPENDIX**

**PETITIONER'S EXHIBITS:-**

**EXT.P1:        A TRUE COPY OF THE REQUEST DATED 24/11/2015 SUBMITTED BY  
                 THE PETITIONER.**

**RESPONDENT'S EXHIBITS:-        NIL.**

**//TRUE COPY//**

**P.S. TO JUDGE**

**rs.**

**K. HARILAL, J.**

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**W.P. (C) No.35824 of 2015**

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Dated this the 4<sup>th</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 Kallampalam - Kochupalam, which is valid up to 24.04.2018. The said permit is covered by the stage carriage bearing Registration No.KL-05/P 7602. 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 produce a suitable 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

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Ext.P1 application without insisting on surrender of the 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