

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.HARILAL

MONDAY, THE 7TH DAY OF DECEMBER 2015/16TH AGRAHAYANA, 1937

WP(C).No. 36040 of 2015 (D)

PETITIONER(S):

**ABDUL KHADER,
S/O. MAMMAD, CHALATH HOUSE, THIRUVANGOOR P.O.,
KOYILANDY, KOZHIKODE.**

BY ADV. SRI.G.PRABHAKARAN

RESPONDENT(S):

**THE SECRETARY,
REGIONAL TRANSPORT AUTHORITY,
VATAKARA - 673 101.**

BY SENIOR GOVERNMENT PLEADER SMT.K.A.SANJEETHA

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 07-12-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

PJ

WP(C).No. 36040 of 2015 (D)

APPENDIX

PETITIONER(S)' EXHIBITS

- P1 - THE TRUE COPY OF THE PERMIT NO. P.ST.18/39/1992 29.10.2015.**
- P2 - TRUE COPY OF THE REQUEST FILED BY THE PETITIONER BEFORE
RESPONDENT DT. 07.11.2015 VEHICLE NO. KL11/AA 135 ON THE ROUTE
VILLIAPALLY- VADAKARA-KOZHIKODE.**

RESPONDENT(S)' EXHIBITS

NIL.

/ TRUE COPY /

P.S. TO JUDGE

PJ

K.HARILAL, J.

W.P.(C) No.36040 of 2015

Dated this the 7th day of December, 2015.

JUDGMENT

The petitioner is the holder of a regular permit on the route Villiapally-Vadakara-Kozhikode, which is valid up to 22.10.2017. The said permit is covered by the stage carriage bearing Registration No.KL-11/AA-135, which is an old model vehicle. 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 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 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

okb.