

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. 36242 of 2015 (E)

PETITIONER(S):

**MUHAMMED RASHEED,
S/O. AYAMU, ARAYILAKATH HOUSE,
P.O. EDAVANNA, MALAPPURAM DISTRICT.**

BY ADV. SRI.SAJU J.VALLYARA

RESPONDENT(S):

**THE SECRETARY,
REGIONAL TRANSPORT AUTHORITY,
MALAPPURAM , PIN -676 505.**

BY SR. GOVT.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:**

rs.

WP(C).No. 36242 of 2015 (E)

APPENDIX

PETITIONER'S EXHIBITS:-

**EXHIBIT P1 PHOTOCOPY OF THE REGULAR PERMIT VIDE NO.P.ST 10/62/1989
ISSUED TO THE PETITIONER BY THE RESPONDENT.**

**EXHIBIT P2 PHOTOCOPY OF THE REQUEST DATED 26-11-2015 SUBMITTED BY
THE PETITIONER BEFORE THE RESPONDENT.**

RESPONDENT'S EXHIBITS:- NIL.

//TRUE COPY//

P.S. TO JUDGE

rs.

K.HARILAL, J.

W.P.(C) No.36242 of 2015

Dated this the 7th day of December, 2015.

JUDGMENT

The petitioner is the holder of a regular permit on the route Malappuram–Chalikkal, which is valid up to 23.3.2017. The said permit is covered by the stage carriage bearing Registration No.KL–57/A–3859, 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 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 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.