

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. 36249 of 2015 (E)

PETITIONER :

**P.G.GOPALAKRISHNAN NAIR
S/O.NARAYANAN NAIR, CHERUPURATH HOUSE
THRIKARIYOOR P.O., KOTHAMANGALAM, ERNAKULAM.**

BY ADV. SRI.P.DEEPAK

RESPONDENT :

**THE SECRETARY,
REGIONAL TRANSPORT AUTHORITY,
MUVATTUPUZHA- 686 661.**

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:**

Mn

...2/-

WP(C).No. 36249 of 2015 (E)

APPENDIX

PETITIONERS' EXHIBITS :

**EXT. P1 - A TRUE COPY OF THE REGULAR PERMIT ISSUED TO THE PETITIONER
ON THE ROUTE VADATTUPPARA-KOTHAMANGALAM-MUVATTUPUZZHA-
VADAKKUMBHAGOM-POTHANIKAD.**

**EXT. P2 - A TRUE COPY OF THE APPLICATION FOR CLEARANCE CERTIFICATE
DATED 26.11.2015**

RESPONDENT(S)' EXHIBITS : NIL

//TRUE COPY//

P.S. TO JUDGE

Mn

K. HARILAL, J.

W.P. (C) No. 36249 of 2015-E

Dated this the 7th day of December, 2015

JUDGMENT

The petitioner is the holder of a regular permit on the route of Vadattuppara - Kothamangalam - Muvattupuzha - Pothanikad, which is valid up to 02/01/2017. The said permit is covered by the stage carriage bearing Registration No.KL-17/B-8797, which is a 2005 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 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)

Nan/ //true copy// P.S. to Judge