

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.HARILAL

WEDNESDAY, THE 9TH DAY OF DECEMBER 2015/18TH AGRAHAYANA, 1937

WP(C).No. 36726 of 2015 (M)

PETITIONER(S):

**ABDUL KHADER,
S/O. MUHAMMED HAJI, THAROL,
KAYALAM P.O., KOZHIKODE.**

BY ADV. SRI.I.DINESH MENON.

RESPONDENT(S):

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

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

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 09-12-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

rs.

WP(C).No. 36726 of 2015 (M)

APPENDIX

PETITIONER'S EXHIBITS:-

P1 : COPY OF THE REGULAR PERMIT ISSUED TO THE PETITIONER.

P2 : COPY OF THE RC BOOK OF THE VEHICLE KL-49/4667.

P3 : COPY OF THE REQUEST DTD. 28.11.2015.

P4 : COPY OF THE JUDGMENT IN WP(C).NO.26955/2015, DTD. 11.09.2015.

RESPONDENT'S EXHIBITS:- NIL.

//TRUE COPY//

P.S. TO JUDGE

rs.

K.HARILAL, J.

W.P.(C) No.36726 of 2015

Dated this the 9th day of December, 2015.

JUDGMENT

The petitioner is the holder of a regular permit on the route Edavannappara-Kozhikode, which is valid up to 16.02.2017. The said permit is covered by the stage carriage bearing Registration No.KL-49-4667, which is a 2007 model vehicle. The petitioner filed Ext.P3 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.P3 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.

This writ petition is disposed of.

Sd/-
K. HARILAL, JUDGE

okb.