

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. 36770 of 2015 (U)

PETITIONER(S):

**ROOPESH. A., S/O. RAGHAVAN,
KARUNAKANDIYIL HOUSE,
PINARAYI, THALASSERY.**

BY ADV. SRI.I.DINESH MENON.

RESPONDENT(S):

**THE SECRETARY,
REGIONAL TRANSPORT AUTHORITY,
KANNUR-670 001.**

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. 36770 of 2015 (U)

APPENDIX

PETITIONER'S EXHIBITS:-

- EXT.P1 COPY OF THE REGULAR PERMIT ISSUED TO THE PETITIONER.**
- EXT.P2 COPY OF THE RC BOOK OF KL-13-P 6939.**
- EXT.P3 COPY OF THE REQUEST DATED 23/11/2015.**
- EXT.P4 COPY OF THE JUDGMENT IN WP(C).NO.26955/2015
DATED 11/09/2015.**

RESPONDENT'S EXHIBITS:- NIL.

//TRUE COPY//

P.S. TO JUDGE

rs.

K.HARILAL, J.

W.P.(C) No.36770 of 2015

Dated this the 4th day of December, 2015.

JUDGMENT

The petitioner is the holder of a regular permit on the route Thalassery–Anjarakandy–Kuthuparamba, which is valid up to 9.9.2018. The said permit is covered by the stage carriage bearing Registration No.KL-13/P-6939, which is a 2005 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. This writ petition is filed seeking a direction to the respondent to pass orders on Ext.P3 within a specified time.

2. 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.

3. 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.

4. 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.