

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. 36846 of 2015 (E)

PETITIONER(S):

**ABBAS E, S/O.HASSAN ERAYASSAN,
ERAYASSAN HOUSE, KAREEPARAMBNA,
KODUR P.O., MALAPPURAM DISTRICT.**

BY ADV. SRI.SAJU J.VALLYARA

RESPONDENT(S):

**THE SECRETARY,
REGIONAL TRANSPORT AUTHORITY,
MALAPPURAM-676505.**

BY SENIOR GOVERNMENT PLEADER SMT.K.A.SANJEETHA

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

PJ

WP(C).No. 36846 of 2015 (E)

APPENDIX

PETITIONER(S)' EXHIBITS

**P1 - COPY OF THE REGULAR PERMIT VIDE NO.P.ST.10/4466/2015 ISSUED BY THE
RESPONDENT TO THE PETITIONER**

**P2 - COPY OF THE REQUEST DATED 9/1/15 SUBMITTED BY THE PETITIONER
BEFORE THE RESPONDENT**

RESPONDENT(S)' EXHIBITS

NIL.

/ TRUE COPY /

P.S. TO JUDGE

PJ

K. HARILAL, J.

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W.P. (C) No.36846 of 2015

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Dated this the 9th day of December, 2015

J U D G M E N T

The petitioner is the holder of a regular permit on the route of Malappuram - Kadampuzha Temple, which is valid up to 07.10.2020. The said permit is covered with the stage carriage bearing Registration No.KL-10- R 7354. 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 substitute another suitable vehicle. 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

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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**

DST

//True copy//

P.A. To Judge