

**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. 37118 of 2015 (L)**  
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**PETITIONER:**  
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**ANITHA, W/O.SADASIVAN,  
12/174 KIZHAKKEPATH, TALIPARAMBA,  
KANNUR DISTRICT, PIN - 670141.**

**BY ADV. SRI.O.D.SIVADAS**

**RESPONDENT:**  
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**THE SECRETARY,  
REGIONAL TRANSPORT AUTHORITY,  
KANNUR, PIN - 670001.**

**BY SENIOR GOVT. 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:**

**mbr/**

**WP(C).No. 37118 of 2015 (L)**  
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**APPENDIX**

**PETITIONER(S)' EXHIBITS:**  
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**P1:- COPY OF THE PERMIT ISSUED TO STAGE CARRIAGE NO L 58E/1134.**

**P2:- COPY OF THE TEMPORARY PERMIT ISSUED TO THE PETITIONER  
DTD 19/11/2015.**

**P3:- COPY OF THE APPLICATION DTD 1/12/2015 SUBMITTED BY THE PETITIONER.**

**RESPONDENT(S)' EXHIBITS:**                      **NIL**  
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**//TRUE COPY//**

**P.S. TO JUDGE**

**mbr/**

**K. HARILAL, J.**

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**W.P. (C) No.37118 of 2015**

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Dated this the 9<sup>th</sup> day of December, 2015

**J U D G M E N T**

The petitioner is the registered owner of stage carriage bearing registration No. KL 13 L/3536 and the same was operating on the route Pavanoorkadavu - Kannur HQ Hospital, under Ext.P2 temporary permit. The said temporary permit was issued in the place of Ext.P1 regular permit, which is valid till 25.09.2017. In the meantime, the regular permit holder obtained a clearance certificate with a condition that another vehicle will be replaced, within a specified time and he has not complied with the condition. However, the temporary permit in favour of the petitioner was expired on 29.01.2015 and thereafter, the petitioner has filed Ext.P3 application, for the re-issuance of the temporary

-: 2 :-

permit. But, the respondent has not accepted Ext.P3 application, on the ground that the time limit specified for replacing the vehicle, while obtaining clearance certificate has already elapsed. This is the grievance projected in this Writ Petition.

2. The learned Government Pleader on instruction submits that now the regular permit stands cancelled, on the reason that the regular permit holder failed to substitute an alternative vehicle, in compliance with the condition in the clearance certificate. However, I find that the cancellation of the regular permit on the failure of the regular permit holder, to replace the vehicle within the specified time, cannot be taken as a ground to reject Ext.P3 application, seeking re-issuance of the temporary permit filed by the petitioner. Therefore, the respondent is directed to accept Ext.P3 application and pass orders in accordance with law, within two weeks from the date of receipt of a copy of this judgment.

-: 3 :-

This writ petition is disposed of accordingly.

Sd/-

**K. HARILAL,  
JUDGE**

DST

//True copy//

P.A. To Judge