

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ANIL K.NARENDRA

TUESDAY, THE 29TH DAY OF DECEMBER 2015/8TH POUSHA, 1937

WP(C).No. 39957 of 2015 (T)

PETITIONER:

**SHINTOMON THOMAS,
VETTIYAKKAL HOUSE, AGALI.P.O, ATTAPADY,
MANNARKKAD.**

BY ADV. SRI.I.DINESH MENON

RESPONDENT:

**THE SECRETARY,
REGIONAL TRANSPORT AUTHORITY,
PALAKKAD-678 001.**

BY GOVERNMENT PLEADER SRI.T.R.RAJESH

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 29-12-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

sts

WP(C).No. 39957 of 2015 (T)

APPENDIX

PETITIONER(S)' EXHIBITS

- P1 TRUE EXTRACT OF THE REGULAR PERMIT ISSUED TO THE PETITIONER**
- P2 TRUE COPY OF THE RC BOOK OF VEHICLE KL-11 AB 4469.**
- P3 TRUE COPY OF THE REQUEST DATED 19.12.2015**
- P4 TRUE COPY OF THE JUDGMENT IN WP(C).NO.12785/2015 DATED 24.4.2015.**

RESPONDENT(S)' EXHIBITS: **NIL**

/TRUE COPY/

P.A.TO JUDGE

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ANIL. K. NARENDRAN, J.

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W.P(C)No.39957 of 2015

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Dated this the 29th day of December, 2015

JUDGMENT

The petitioner is the holder of Ext.P1 regular permit, which is valid till 08.12.2018. The vehicle covered under Ext.P1 permit, namely, KL-11 AB 4469 is a 2008 model vehicle. The petitioner submitted Ext.P3 request before the respondent for releasing the said vehicle from Ext.P1 permit so as to enable him to dispose of the same and offer a suitable later model vehicle for replacement. The grievance of the petitioner is that the respondent is not entertaining Ext.P3 representation. In such circumstances, the petitioner has approached this Court with a writ of mandamus commanding the respondent to forthwith issue 'Clearance Certificate' on Ext.P3 request, releasing stage carriage KL-11 AB 4469 from Ext.P1 permit issued to conduct service on the route Anakkatty – Pattambi without insisting on surrender/cancellation of the permit. The petitioner is relying Ext.P4 judgment of this Court on similar facts.

2. Heard the learned counsel for the petitioner and the learned Government Pleader appearing for the respondent.

3. In the facts and circumstances, this writ petition is disposed of directing the respondent to consider Ext.P3 request made by the petitioner for the issuance of 'Clearance Certificate' in respect of stage carriage bearing registration No. KL-11 AB 4469 and pass appropriate orders thereon without insisting on surrender/cancellation of the permit. The needful shall be done within two weeks from the production of a certified copy of this judgment, provided all dues including check report, and also the Kerala Motor Transport Workers Welfare Fund with respect of the said vehicle is satisfied. The petitioner shall produce the current records of the vehicle to be substituted within a period of four months from today.

Sd/-

ANIL.K.NARENDRA, JUDGE