

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ANIL K.NARENDRAN

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

WP(C).No. 39976 of 2015 (V)

PETITIONER :

KUNHI MOIDEEN,
S/o.KOYAKUTTY, PULLOONI HOUSE, P.O.MEENADATHUR,
TIRUR, MALAPPURAM DISTRICT.

BY ADV. SRI.SAJU J.VALLYARA

RESPONDENT :

THE SECRETARY,
REGIONAL TRANSPORT AUTHORITY, MALAPPURAM, PIN:676505.

BY GOVERNMENT PLEADER SRI.A.MOHAMMED SAVAD

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

WP(C).No. 39976 of 2015 (V)

APPENDIX

PETITIONER'S EXHIBITS :-

EXHIBIT P1 : PHOTOCOPY OF THE REGULAR PERMIT VIDE No.P.St.10/411/2015 ISSUED TO THE PETITIONER BY THE RESPONDENT.

EXHIBIT P2: PHOTOCOPY OF THE REQUEST DATED 7.12.2015 SUBMITTED BY THE PETITIONER BEFORE THE RESPONDENT.

EXHIBIT P3: PHOTOCOPY OF THE JUDGMENT IN W.P.(C)No.37157 OF 2015 DATED 14.12.2015.

RESPONDENT'S EXHIBITS :- NIL.

True copy

P.A to Judge

ANIL K.NARENDRA, J.

W.P.(C)No.39976 of 2015

Dated this the 29th day of December, 2015

JUDGMENT

The petitioner is the holder of Ext.P1 regular permit valid till 28.1.2020. The vehicle covered under Ext.P1 permit, namely, KL-10/M-81. The petitioner submitted Ext.P2 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.P2 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.P2 request, releasing stage carriage KL-10/M-81 from Ext.P1 permit issued to conduct service on the route Tirur-Chemmad without insisting on surrender/cancellation of the permit. The petitioner is relying Ext.P3 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.P2 request made by the petitioner for the issuance of 'Clearance Certificate' in respect of stage carriage bearing registration No.KL-10/M-81 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 vehicles are 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.NARENDHAN, JUDGE

skj

True copy

P.A to Judge