

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. 40030 of 2015 (C)

PETITIONER(S):

**M.K.SALIM, AGED 40 YEARS
S/O KOCHUNNY, MELETH HOUSE,
THANDEKKAD, PONJASSERY P.O
PERUMBAVOOR, ERNAKULAM.**

BY ADV. SRI.G.PRABHAKARAN

RESPONDENT(S):

**THE SECRETARY,
REGIONAL TRANSPORT AUTHORITY,
MUVATTUPUZHA - 686 661**

BY GOVERNMENT PLEADER SRI A MOHAMED 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. 40030 of 2015 (C)

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1: COPY OF THE PERMIT NO.P.ST.17/3083/2015 26.11.2015.

**EXT.P2: COPY OF THE REQUEST FILED BY THE PETITIONER BEFORE
RESPONDENT DATED 23.12.2015.**

EXT.P3: COPY OF THE JUDGMENT DATED 24.04.2015 IN WPC NO.12785/2015.

RESPONDENTS EXHIBITS: NIL

/TRUE COPY/

P.A TO JUDGE

LSN

ANIL K. NARENDRA, J.

W.P.(C). No.40030 of 2015

Dated this the 29th day of December, 2015

JUDGMENT

The petitioner is the holder of Ext.P1 regular permit valid till 25.11.2020. The vehicle covered under Ext.P1 permit, namely, KL-17/A 1989 a 2003 model vehicle. 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 writ of mandamus commanding the respondent to forthwith issue 'Clearance Certificate' on Ext.P2 request, releasing stage carriage KL-17/A 1989 from Ext.P1 permit issued to conduct service on the route Kadappara-Perumbavoor-Vyttila Hub 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-17/A 1989 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. NARENDRAN
Judge

lsn