

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.V.RAMAKRISHNA PILLAI

MONDAY, THE 25TH DAY OF MAY 2015/4TH JYAISHTA, 1937

WP(C). No.13288 of 2015 (I)

PETITIONER(S):

**SHEBEEK, AGED 39 YEARS,
S/O.THAJUDEEN, MURUPPEL PUTHENVEEDU, MAALLOOR PO,
PIN 689695, PATHANAPURAM.**

BY ADV. SRI.O.D.SIVADAS

RESPONDENT(S):

**THE SECRETARY,
REGIONAL TRANSPORT AUTHORITY, PATHANAMTHITTA-689645.**

BY GOVERNMENT PLEADER SHRI SHYSON P. MANGUZHA

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 25-05-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

WP(C).No. 13288 of 2015 (I)

APPENDIX

PETITIONER(S)' EXHIBITS:-

P1:-TRUE COPY OF THE REQUEST DATED 23.04.2015 SUBMITTED BY THE PETITIONER.

RESPONDENT(S)' EXHIBITS:- NIL

KRJ

/True Copy/

P.A to Judge

A.V.RAMAKRISHNA PILLAI, J.

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W.P(C) No.13288 of 2015

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Dated this the 25th day of May, 2015

JUDGMENT

Alleging inaction on the part of the respondents in not granting clearance certificate retaining the permit under suspended animation, the petitioner has come up before this Court.

2. The petitioner is a stage carriage operator and the permit belonging to him is endorsed to the vehicle bearing No.KL 03 H/9900 on the route Enathu - Adoor. The petitioner alleges that the present permit is valid till 8.3.2020. The petitioner further alleges that his vehicle is not fit to operate due to its bad condition and, therefore, he intends to replace the same by another vehicle.

3. However, due to financial difficulties, the petitioner is not in a position to purchase a new vehicle, retaining the existing vehicle. Therefore, according to the petitioner, only by utilising the money derived by selling the present vehicle, he would be able to purchase

another vehicle so as to replace the existing vehicle. Hence, he submitted an application for issuing clearance certificate to sell his vehicle without insisting the surrender of the existing permit by retaining the permit under suspended animation.

4. I have heard the learned counsel for the petitioner and the learned Government Pleader in the matter.

5. The learned counsel for the petitioner, inviting my attention to the judgment of this Court in W.P(C) No.9410 of 2015 dated 24.3.2015 wherein the petitioner sought clearance certificate in respect of her vehicle keeping her permit under suspended animation, pointed out that, in that case this Court had directed the respondent to issue clearance certificate specifying the time limit within which the vehicle should be replaced by another.

6. As the present state of affairs is akin to that of the fact situation in W.P(C) No.9410 of 2015, this Court is of the view that the writ petition can be disposed of directing the respondent to

consider the petitioners application in the light of the judgment in W.P(C) No.9410 of 2015. I do so. This exercise shall be completed within a period of two weeks from the date of receipt of a copy of this judgment.

To facilitate early action, it shall be open to the petitioner to produce a copy of this judgment as well as copy of the judgment dated 24.3.2015 in W.P(C) No.9410 of 2015 and copy of the writ petition before the respondent at the earliest.

Sd/-

A.V.RAMAKRISHNA PILLAI
JUDGE

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