

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.V.RAMAKRISHNA PILLAI

THURSDAY, THE 4TH DAY OF JUNE 2015/14TH JYAISHTA, 1937

WP(C).No. 15546 of 2015 (P)

PETITIONER(S) :

**ABDUL SUKOOR,
S/O.MOHAMMED KUTTY, 2/183A, VATTAPARAMBAN HOUSE,
VALAKKULAM P.O., THENMALA, TIRURANGADI, MALAPPURAM.**

BY ADV. SRI.SAJU J.VALLYARA

RESPONDENT(S) :

**THE SECRETARY,
REGIONAL TRANSPORT AUTHORITY,
MALAPPURAM, PIN-676 505.**

BY GOVERNMENT PLEADER SMT.K.A.SANJEETHA

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 04-06-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

Msd.

WP(C).No. 15546 of 2015 (P)

APPENDIX

PETITIONER(S)' EXHIBITS

**EXHIBIT P1 : PHOTOCOPY OF THE REGULAR PERMIT VIDE NO.P.ST.10/649/2000
ISSUED TO THE PETITIONER BY THE RESPONDENT.**

**EXHIBIT P2 : PHOTOCOPY OF THE REQUEST DATED 07-05-2015 SUBMITTED BY
THE PETITIONER BEFORE THE RESPONDENT.**

RESPONDENT(S)' EXHIBITS

NIL

//TRUE COPY//

P.A.TO JUDGE.

Msd.

A.V. RAMAKRISHNA PILLAI, J.

W.P.(C) No. 15546 of 2015

Dated this the 4th day of June, 2015

J U D G M E N T

The limited prayer in this writ petition is for a direction to the respondent to issue clearance certificate without insisting for surrender of existing regular permit.

2. The petitioner holds a regular stage carriage permit, Ext.P1, on the route between Chemmad and Tirur in respect of stage carriage No.KL-12-C-4485, which is valid up to 23.03.2020. The petitioner alleges that due to repeated defects of the vehicle, he is not in a position to operate his service promptly; and therefore, he is intending to replace the said vehicle by a later model vehicle. According to him, he can purchase a new vehicle utilizing the money by selling the present vehicle. He submitted Ext.P2 application before the respondent for release of the said vehicle from the permit and for clearance certificate so as to alienate the vehicle without insisting for the surrender of existing regular permit.

..2..

However, the respondent has taken the stand that the clearance certificate for a vehicle covered by the permit can be given only after surrender of the existing regular permit, which, according to the petitioner, is unsustainable and illegal. Hence, the petitioner has approached this Court.

3. Heard the learned counsel for the petitioner and the learned Government Pleader in the matter.

Considering the nature of the prayer, the writ petition is disposed of directing the respondent to consider and pass appropriate orders on Ext.P2 application after affording the petitioner an opportunity of being heard, within a period of two weeks from the date of receipt of a copy of this judgment.

To facilitate an early action, the petitioner shall be at liberty to produce a copy of this judgment as well as a copy of this writ petition before the respondent at the earliest.

Sd/-
A.V. RAMAKRISHNA PILLAI
JUDGE

bka/-