

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.V.RAMAKRISHNA PILLAI

FRIDAY, THE 5TH DAY OF JUNE 2015/15TH JYAISHTA, 1937

WP(C).No. 16192 of 2015 (Y)

PETITIONER(S) :

**SONY KURIAN,
PULLAMKULAM HOUSE, MAMOOD P.O.,
CHANGANACHERRY.**

BY ADV. SRI.I.DINESH MENON

RESPONDENT(S):

**THE SECRETARY,
REGIONAL TRANSPORT AUTHORITY,
KOTTAYAM, PIN-686 002.**

BY GOVERNMENT PLEADER SMT.K.A.SANJEETHA

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 05-06-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

Msd.

WP(C).No. 16192 of 2015 (Y)

APPENDIX

PETITIONER(S)' EXHIBITS

**EXHIBIT P1: TRUE COPY OF THE REGULAR PERMIT ISSUED TO
THE PETITIONER.**

EXHIBIT P2: TRUE COPY OF THE RC BOOK OF KL-5-M-4278.

EXHIBIT P3: TRUE COPY OF THE REQUEST DATED 26.05.2015.

**EXHIBIT P4: TRUE COPY OF THE JUDGMENT IN W.P.(C).NO.6402/2015
DATED 02.03.2015.**

RESPONDENT(S)' EXHIBITS

NIL

//TRUE COPY//

P.A.TO JUDGE.

Msd.

A.V.RAMAKRISHNA PILLAI, J.

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W.P(C) No.16192 of 2015

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Dated this the 5th day of June, 2015

JUDGMENT

This writ petition is filed seeking for a direction to issue a clearance certificate without insisting on surrender/cancellation of permit issued to the stage carriage bearing no.KL-5/M 4278.

2. The petitioner is a holder of regular permit to conduct service on the route Poonikavu (Manimala) - Kaduvamozhy, issued in respect of her stage carriage bearing Reg. No.KL-5/M 4278 and the permit is valid upto 4.3.2017. As the registered owner of the vehicle is not intending to continue with the leased agreement, the petitioner submitted Ext.P3 request before the respondent for releasing his vehicle from its permit for replacement.

3. The petitioner points out that as evident from Ext.P3 his intention is to release the vehicle alone and not the permit. The petitioner states that whether the vehicle covered by a permit can be

released from the permit keeping the permit in suspended animation till such time as another vehicle is offered for replacement during the currency of permit is no longer *res integra* (see Aysha v. RTA, Kasaragod [2006 (3) KLT 1012]. However, the respondent is not taking action on Ext.P3. It is with this background the petitioner has come up before this Court.

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

5. Considering the nature of the relief sought for and the submissions made by the learned counsel for the petitioner this writ petition is disposed of directing the respondent to consider Ext.P3 for clearance certificate without insisting the surrendering of existing permit by retaining the permit under suspended animation within two weeks from the date of receipt of a copy of this judgment. While passing orders, it shall be open to the respondent to fix a time limit for the production of new vehicle by the petitioner.

To facilitate an early action, it shall be open to the petitioner to produce a copy of the writ petition as well as a copy of this judgment along with Ext.P3 request before the respondent at the earliest.

**Sd/-A.VRAMAKRISHNA PILLAI
JUDGE**

krj

true copy

P.S.TO JUDGE

The first sentence in paragraph 2 of the judgment dated 05/06/2015 in W.P(C) No.16192/2015 is modified and substituted as “The petitioner is the registered owner-cum-holder of a regular permit to conduct service on the route Ponnikkavu (Manimala) - Kaduvamoozhy issued in respect of stage carriage bearing registration No.KL-5-M-4278 and the permit is valid upto 20/10/2019, as per order dated 16/06/2015 in I.A 7856/2015 in W.P (C) No.16192/2015.

Sd/-
Registrar (Judicial)