

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. 16199 of 2015 (Y)

PETITIONER :

**P.B. VALSALA, AGED 50 YEARS,
PRATHEEKSHA, INCHAKKAL, CHIRAKKADAVAM,
KAYAMKULAM, ALAPPUZHA.**

BY ADV. SRI.G.PRABHAKARAN

RESPONDENT :

**THE SECRETARY
REGIONAL TRANSPORT AUTHORITY CUM
REGIONAL TRANSPORT OFFICER,
ALAPPUZHA - 688 001.**

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:**

bp

WP(C).No. 16199 of 2015 (Y)

APPENDIX

PETITIONER(S)' EXHIBITS

P1: THE TRUE COPY OF THE PERMIT NO.P.ST.4/101/2014.

**P2: TRUE COPY OF THE REQUEST FILED BY THE PETITIONER ALONG WITH
RECEIPT DATED 15/5/2015 VEHICLE NO.KL4/M 914 ON THE ROUTE
KAYAMKULAM-PANDALAM.**

P3: TRUE COPY OF THE JUDGMENT DATED 26/9/2013 IN WPC NO.23599/2013.

RESPONDENT(S)' EXHIBITS : NIL.

//TRUE COPY//

P.A. TO JUDGE

bp

A.V.RAMAKRISHNA PILLAI, J.

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W.P(C) No.16199 of 2015

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Dated this the 5th day of June, 2015

JUDGMENT

The petitioner, who is the operator of a stage carriage operating on the route Kayamkulam- Pandalam, has come up before this Court seeking a direction to issue a clearance certificate from the respondent.

2. The petitioner points out that his vehicle bearing Reg. No;KL-4/M 914 is not roadworthy and therefore, he is intending to replace the vehicle by another vehicle. The petitioner states that purchasing a later model vehicle is possible only by selling the present vehicle and after purchasing the later model vehicle, the application for replacement of the vehicle has to be filed and till that the the permit has to be made alive keeping it under suspended animation. Therefore, he submitted an application to issue clearance certificate to sell the vehicle without insisting the surrendering of the

existing permit, by retaining the permit under suspended animation. It is with this background the petitioner has come up before this Court.

3. Today, when the matter came up for admission, the learned Government Pleader, on instructions, submitted that though a specific date was given to the petitioner for hearing him, he did not appear on that date.

4. The learned counsel for the petitioner, per contra, would submit that no hearing is necessary and a direction to consider his application by this Court would be sufficient.

5. As the petitioner is intending to sell his present vehicle which is not working and to purchase another vehicle utilising the sale proceeds, this Court is of the view that the petitioner's request is genuine.

In the result, this writ petition is disposed of directing the respondent to consider the petitioner's application for clearance certificate to sell the vehicle 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 first 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 before the respondent at the earliest.

Sd/-

A.V.RAMAKRISHNA PILLAI
JUDGE

krj