

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. 16237 of 2015 (D)

PETITIONER(S) :

**SHAHUL HAMEED,
S/O.BEERAN, VADAKKETHIL HOUSE, PALACHIRAMADU,
EDARIKKODE P.O., MALAPPURAM DISTRICT.**

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 05-06-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

Msd.

WP(C).No. 16237 of 2015 (D)

APPENDIX

PETITIONER(S)' EXHIBITS

**EXHIBIT P1 : PHOTOCOPY OF THE REGULAR PERMIT VIDE NO.P.ST.10/825/1994
ISSUED TO THE PETITIONER BY THE RESPONDENT.**

**EXHIBIT P2 : PHOTOCOPY OF THE REQUEST DATED 28-05-2015 SUBMITTED BY
THE PETITIONER BEFORE THE RESPONDENT.**

RESPONDENT(S)' EXHIBITS

NIL

//TRUE COPY//

P.A.TO JUDGE.

Msd.

A.V.RAMAKRISHNA PILLAI, J.

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W.P(C) No.16237 of 2015

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Dated this the 5th day of June, 2015

JUDGMENT

This writ petition is filed for a direction to issue clearance certificate without insisting for surrender of existing permit.

2. The petitioner is a stage carriage operator, operating on the route between Thrissur and Kozhikode in respect of stage carriage bearing no.KL 55/N 108. Due to mechanical problems which recur often, he is not in a position to operate his service promptly and is intending to replace the above vehicle by a later model vehicle. Hence, he submitted Ext.P2 before the respondent praying to release the vehicle and for clearance certificate, without insisting for the surrender of the existing permit. However, the respondent's stand is that the clearance certificate for the vehicle covered by the permit can be given only after surrendering the existing regular permit. 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 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