

**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. 16343 of 2015 (P)**  
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**PETITIONER :**  
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**R.G. ANANDAVALLY  
SAI GOPIKA, GANDHI JUNCTION  
KOTTARAKKARA, KOLLAM DISTRICT**

**BY ADV. SRI. P. DEEPAK**

**RESPONDENT :**  
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**THE SECRETARY,  
REGIONAL TRANSPORT AUTHORITY,  
KOLLAM - 691 001.**

**BY GOVT. 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:**

**Mn**

**...2/-**

**WP(C).No. 16343 of 2015 (P)**  
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**APPENDIX**

**PETITIONERS' EXHIBITS :**  
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**EXT.P1        TRUE COPY OF THE PROCEEDINGS OF THE RESPONDENT HEREIN  
DATED 16/7/12 ENDORSING THE VALIDITY OF THE PERMIT TILL  
04/3/2017.**

**EXT.P2        TRUE COPY OF THE REQUEST FOR CLEARANCE CERTIFICATE DATED  
7/5/15.**

**RESPONDENT(S)' EXHIBITS :        NIL**  
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**//TRUE COPY//**

**P.A. TO JUDGE**

**Mn**

**A.V.RAMAKRISHNA PILLAI, J.**

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W.P(C) No.16343 of 2015

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Dated this the 5<sup>th</sup> day of June, 2015

**JUDGMENT**

This writ petition is filed seeking for issuance of a clearance certificate without insisting on surrender/cancellation of permit issued to the vehicle.

2. The petitioner is a holder of regular permit to conduct service on the route between Oyoor and Sasthamcottah, issued in respect of her stage carriage bearing Reg. No.KL-24/D 4691. The petitioner alleges that the permit is valid upto 4.3.2017.

3. The petitioner is desirous of replacing the existing vehicle with a new vehicle. However, she has no vehicle to offer in substitution of the existing one. Her intention is to procure a latest model vehicle with the funds generated by the disposal of the existing one. For that, it is necessary to get the existing vehicle released from the permit so as to facilitate its early disposal.

4. Therefore, by Ext.P2 she requested the respondent to issue a clearance certificate in respect of the existing vehicle. However, the respondent is refusing to countenance Ext.P2 on the ground that the clearance certificate as sought for by the petitioner could be issued only on surrender/cancellation of the permit itself. It is with this background the petitioner has come up before this Court.

5. Arguments have been heard.

6. As the petitioner is intending to sell his present vehicle which is not working and to purchase another vehicle utilising the funds generated by the disposal of the existing one, 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 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 before the respondent at the earliest.

Sd/-

**A.V.RAMAKRISHNA PILLAI**  
**JUDGE**

krj