

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.V.RAMAKRISHNA PILLAI

TUESDAY, THE 16TH DAY OF JUNE 2015/26TH JYAISHTA, 1937

WP(C).No. 17436 of 2015 (D)

PETITIONER :

**KARUPPAN,
S/O. VELU, 6/472, KAROTH HOUSE,
KARAKUNNU P.O., MANJERI,
MALAPPURAM DISTRICT.**

BY ADV. SRI.SAJU J.VALLYARA

RESPONDENT :

**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 16-06-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

sts

WP(C).No. 17436 of 2015 (D)

APPENDIX

PETITIONER(S)' EXHIBITS

**EXHIBIT-P1- TRUE COPY OF THE REGULAR PERMIT VIDE NO. P.ST 10/777/2014
ISSUED TO THE PETITIONER BY THE RESPONDENT.**

**EXHIBIT-P2- TRUE COPY OF THE REQUEST DATED 06/06/2015 SUBMITTED BY THE
PETITIONER BEFORE THE RESPONDENT.**

RESPONDENT(S)' EXHIBITS: NIL

/TRUE COPY/

P.A.TO JUDGE

sts

A.V. RAMAKRISHNA PILLAI, J.

W.P.(C) No. 17436 of 2015

Dated this the 16th day of June, 2015

J U D G M E N T

The petitioner has approached this Court for a direction to the respondent to issue clearance certificate without insisting for surrender of existing regular permit.

2. The petitioner is a regular stage carriage permit holder on the route between Karulai and Manjeri Old Bus Stand in respect of stage carriage No.KL 58/4055, which is valid till 13.02.2019. The petitioner alleges that due to repeated defects of the vehicle, he is not in a position to operate his service promptly and he intends to replace the vehicle by another vehicle. He further alleges that due to financial difficulties, he is not in a position to purchase a new vehicle by retaining the existing vehicle. Hence, he submitted Ext.P2 application for release of the vehicle from the permit and to issue clearance certificate for selling his existing vehicle without insisting for surrendering the existing permit. However, the

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respondent is insisting 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. It is in this context, the petitioner has come up before 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 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/-