

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.V.RAMAKRISHNA PILLAI

FRIDAY, THE 19TH DAY OF JUNE 2015/29TH JYAISHTA, 1937

WP(C).No. 17758 of 2015 (T)

PETITIONER :

**K.S.MUHAMMED,
KOTTAKUZHICKAL HOUSE,
KIZHAKKUMPURAM P.O., MANNUR,
PALAKKAD.**

BY ADV. SRI.K.V.GOPINATHAN NAIR

RESPONDENT :

**THE SECRETARY,
REGIONAL TRANSPORT AUTHORITY,
PALAKKAD - 678 001.**

BY GOVERNMENT PLEADER SMT. K.A.SANJEETHA

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 19-06-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

sts

WP(C).No. 17758 of 2015 (T)

APPENDIX

PETITIONER(S)' EXHIBITS

- P1 - TRUE COPY OF THE TEMPORARY PERMIT ISSUED TO THE VEHICLE KL-09/AB 7345 ON THE ROUTE CHITTUR - KOZHIKODE VALID UP TO 20.1.2015.
- P2 - TRUE COPY OF THE TEMPORARY PERMIT ISSUED TO THE VEHICLE KL-09/AD 192 ON THE ROUTE GOPALAPURAM - KOZHIKODE VALID UP TO 20.1.2015.
- P3 - TRUE COPY OF THE APPLICATION SUBMITTED BY THE PETITIONER BEFORE THE RESPONDENT IN RESPECT OF STAGE CARRIAGE KL-09/AB/7345 DT. 08.6.15.
- P4 - TRUE COPY OF THE APPLICATION SUBMITTED BY THE PETITIONER BEFORE THE RESPONDENT IN RESPECT OF STAGE CARRIAGE KL-09/AD 192 DT. 08.6.15.

RESPONDENT(S)' EXHIBITS:

NIL

/TRUE COPY/

P.A.TO JUDGE

sts

A.V. RAMAKRISHNA PILLAI, J.

W.P.(C) No. 17758 of 2015

Dated this the 19th day of June, 2015

J U D G M E N T

Aggrieved by the inaction on the part of the respondent in considering Exts.P3 & P4 applications submitted by the petitioner for clearance certificates, the petitioner has come up before this Court.

2. The petitioner is a stage carriage operator and is having two regular permits in respect of stage carriage Nos.KL 09/AB 7345 & KL-09/AD 192 on the routes, Chittur - Kozhikode and Gopalapuram - Kozhikode respectively. According to the petitioner, before the expiry of regular permits, he filed applications for renewal of those permits and the applications are pending consideration by the RTA. He further alleges that these services are allowed to operate as higher class of service. The petitioner points out that the question whether the said regular permits can be renewed or not on the basis

..2..

of a notification issued by the Government is still under consideration. According to him, as he cannot keep his vehicles idle without operation, he submitted Exts.P3 & P4 applications to issue clearance certificates in respect of the said vehicles without insisting on surrender of regular permits. However, the respondent has not granted clearance certificates till date. Hence, this writ petition.

3. Heard the learned counsel for the petitioner and the learned Government Pleader in the matter.

4. The learned Government Pleader, on instructions, submitted that there is no existing permit and therefore, the permits cannot be kept under suspended animation.

5. However, the learned counsel for the petitioner submitted that what is required is only clearance certificates.

6. It is not possible to issue clearance certificates keeping the permits under suspended animation as

..3..

actually no permit is endorsed on the said vehicles.

Therefore, the writ petition is disposed of directing the respondent to grant clearance certificates to the petitioner 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/-