

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. 18019 of 2015 (B)

PETITIONER :

**P.I. ELIAS,
PREKKARA HOUSE,
THANKALAM,
KOTHAMANGALAM P.O.**

**BY ADVS.SRI.K.V.GOPINATHAN NAIR
SRI.ANUMOD B.NAIR**

RESPONDENT :

**THE SECRETARY
REGIONAL TRANSPORT AUTHORITY,
IDUKKI, PIN - 685 602.**

BY GOVT. 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:**

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WP(C).No. 18019 of 2015 (B)

APPENDIX

PETITIONERS' EXHIBITS :

**EXHIBIT P1. TRUE COPY OF THE REGULAR PERMIT ISSUED TO THE PETITIONER
ON THE ROUTE ERNAKULAM-KOVILKADAVU VALID UP TO 03.02.2014.**

**EXHIBIT P2. TRUE COPY OF THE APPLICATION SUBMITTED BY THE PETITIONER
BEFORE THE RESPONDENT DATED 02.06.2015.**

RESPONDENT(S)' EXHIBITS : NIL

//TRUE COPY//

P.A. TO JUDGE

Mn

A.V. RAMAKRISHNA PILLAI, J.

W.P.(C) No. 18019 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 Ext.P2 application submitted by the petitioner for clearance certificate, the petitioner has come up before this Court.

2. The petitioner is a stage carriage operator and the regular permit belonging to him is endorsed to stage carriage No.KL 44/A 3375 on the route between Ernakulam and Kovilkadavu. The present permit of the petitioner was valid till 03.02.2014 and an application for renewal of permit is pending consideration by the RTA. The petitioner points out that the question whether the said regular permit can be renewed or not on the basis of a notification issued by the Government is still under consideration. According to him, he cannot keep his vehicle idle without operation. Hence, he submitted

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Ext.P2 application to issue clearance certificate in respect of the said vehicle without insisting on surrender of regular permit. However, the respondent has not granted clearance certificate 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 permit cannot be kept under suspended animation.

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

6. It is not possible to issue clearance certificate keeping the permit under suspended animation as actually no permit is endorsed on the said vehicle.

Therefore, the writ petition is disposed of directing the respondent to grant clearance certificate to the

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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/-