

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.V.RAMAKRISHNA PILLAI

WEDNESDAY, THE 24TH DAY OF JUNE 2015/3RD ASHADHA, 1937

WP(C).No. 18230 of 2015 (C)

PETITIONER :

**K.BINDU, AGED 32 YEARS,
D/O.A. VIDYASAGAR, K.K. MENON BUS SERVICE,
GREEN COTTAGE, THRISSUR-3.**

BY ADV. SRI.M.JITHESH MENON

RESPONDENT :

**SECRETARY,
REGIONAL TRANSPORT AUTHORITY,
THRISSUR - 680 001.**

BY GOVERNMENT PLEADER SMT. K.A.SANJEETHA

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 24-06-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

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WP(C).No. 18230 of 2015 (C)

APPENDIX

PETITIONER(S)' EXHIBITS

EXHIBIT-P1- TRUE COPY OF THE REGULAR PERMIT ISSUED TO THE PETITIONER
TO OPERATE ON THE ROUTE IN QUESTION.

EXHIBIT-P2- TRUE COPY OF THE REQUEST SUBMITTED BY THE PETITIONER
DATED 01/06/2015.

EXHIBIT-P3- TRUE COPY OF THE JUDGMENT RENDERED BY THIS HON'BLE COURT
IN W.P(C).NO. 34919/2014 DATED 20/12/2014.

RESPONDENT(S)' EXHIBITS:

NIL

/TRUE COPY/

P.A.TO JUDGE

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A.V.RAMAKRISHNA PILLAI, J.

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W.P(C) No.18230 of 2015

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Dated this the 24th day of June, 2015

JUDGMENT

The petitioner is seeking a direction to the respondent to consider her request for issuance of clearance certificate by keeping the permit in suspended animation.

2. The petitioner is a holder of Ext.P1 regular permit which is valid upto 19.12.2015. The vehicle covered under permit is bearing No.KL-8/Q 1539 which is a 1999 model vehicle. According to the petitioner, the vehicle would attain 15 years of age on 10.7.2015 and, therefore, it has to be replaced. The petitioner submitted Ext.P2 request before the respondent for appropriate orders releasing the aforesaid vehicle from the permit keeping the permit in suspended animation. It is evident from Ext.P2 that the petitioner's intention is to release the vehicle alone and not the permit.

3. The petitioner states that whether the vehicle covered by a permit can be released from the permit keeping the permit in suspended animation till such time as another vehicle is offered for replacement during the currency of permit is no longer *res integra* {see Aysha v. RTA, Kasaragod [2006 (3) KLT 1012]}. However, the respondent has not considered Ext.P2 and has kept the same pending. It is with this background the petitioner has come up before this Court.

4. I have heard the learned counsel for the petitioner and the learned Government Pleader.

Considering the nature of the relief sought for and the submissions made by the learned counsel for the petitioner this writ petition is disposed of directing the respondent to consider Ext.P2 for clearance certificate without insisting for the surrendering of existing permit by retaining the permit under suspended animation 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

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