

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.V.RAMAKRISHNA PILLAI

FRIDAY, THE 26TH DAY OF JUNE 2015/5TH ASHADHA, 1937

WP(C).No. 18509 of 2015 (K)

PETITIONER(S):

**SAJITHA POTTAYIL,
D/O.UNNEEN, POTTAYIL HOUSE, KARUVARAKUNDU,
MALAPPURAM DISTRICT.**

BY ADV. SRI.SAJU J.VALLYARA

RESPONDENT(S):

**THE SECRETARY, REGIONAL TRANSPORT AUTHORITY,
MALAPPURAM - 676 505.**

BY GOVERNMENT PLEADER SMT.K.A.SANJEETHA

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
26-06-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

msv/

WP(C).No. 18509 of 2015 (K)

APPENDIX

PETITIONER(S)' EXHIBITS

**EXHIBIT P1. PHOTOCOPY OF THE REGULAR PERMIT VIDE NO.P.ST.10/537/1995
ISSUED TO THE PETITIONER BY THE RESPONDENT.**

**EXHIBIT P2. PHOTOCOPY OF THE REQUEST DATED 15.06.2015 SUBMITTED BY THE
PETITIONER BEFORE THE RESPONDENT.**

RESPONDENT(S)' EXHIBITS:

NIL

//TRUE COPY//

P.S.TO JUDGE

MsV/

A.V. RAMAKRISHNA PILLAI, J.

W.P.(C) No. 18509 of 2015

Dated this the 26th day of June, 2015

J U D G M E N T

Seeking a direction to the respondent to issue clearance certificate without insisting for surrender of the existing permit, the petitioner has come up before this Court.

2. The petitioner is a stage carriage operator and the regular permit belonging to her is endorsed to stage carriage No.KL-10-AH-9558 on the route between Pattakkarimba and Thrissur. The petitioner alleges that due to repeated break down of her vehicle, she intends to replace the vehicle by another vehicle. She further alleges that due to financial difficulties, she is not in a position to purchase a new vehicle by retaining the existing vehicle. Hence, she submitted Ext.P2 application before the respondent for release of the vehicle from the permit and for clearance certificate so as to alienate the vehicle without insisting for surrendering the existing

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permit by retaining the permit under suspended animation. However, the respondent has not granted clearance certificate as sought for. 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.

4. Inviting my attention to the prayer portion of Ext.P2, the learned Government Pleader submits that the request is for transfer of ownership without insisting on surrendering or cancelling the permit though the permit ceased to exist.

Therefore, the writ petition is disposed of permitting the petitioner to approach the respondent with a proper application for a permitless clearance certificate within a period of two weeks from today. In the event of filing such an application, the same shall be considered by the respondent within a period of two weeks thereafter.

Sd/-
A.V. RAMAKRISHNA PILLAI
JUDGE

bka/-