

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. 18685 of 2015 (I)

PETITIONER :

**NAJEEB P.P.,
S/O.ABDULLA O.T.,
PAZHAYAPATTILLATH HOUSE, KUNNUMKAL P.O.,
KANHANGAD, KASARGOD DISTRICT.**

BY ADV. SRI.O.D.SIVADAS

RESPONDENT :

**THE SECRETARY,
REGIONAL TRANSPORT AUTHORITY
KASARAGOD - 671 121.**

BY GOVT. 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:**

Mn

...2/-

WP(C).No. 18685 of 2015 (I)

APPENDIX

PETITIONERS' EXHIBITS :

EXT. P1 - TRUE COPY OF THE PERMIT.

EXT. P2 - COPY OF THE APPLICATION SUBMITTED BY THE PETITIONER.

**EXT. P3 - TRUE COPY OF THE JUDGMENT IN WP(C).NO.13005 OF 2015 ISSUED
BY THIS HON'BLE COURT.**

RESPONDENT(S)' EXHIBITS : NIL

//TRUE COPY//

P.A. TO JUDGE

Mn

A.V.RAMAKRISHNA PILLAI, J.

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W.P(C) No.18685 of 2015

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Dated this the 24th day of June, 2015

JUDGMENT

The petitioner, who is the operator of a stage carriage operating on the route between Konnakkad and Kanhangad, has come up before this Court seeking a direction to issue a clearance certificate from the respondent.

2. According to the petitioner, the permit granted to him is endorsed to the stage carriage bearing Reg. No.KL-60/E 4244 which is valid up to 26.11.2019. The petitioner points out that since the said vehicle is not fit for operation, he moved an application for issuance of clearance permit keeping the permit under suspended animation. However, the respondent is not issuing the clearance certificate to his vehicle. It is with this background the petitioner has come up before this Court.

3. The petitioner points out that for alienating the vehicle to another person, clearance certificate of the authority who endorsed the vehicle in the permit is necessary. He further points out that the vehicle endorsed in the permit can be replaced by submitting proper application.

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

5. The learned counsel for the petitioner confined his argument to the limited prayer for a direction to the respondent to consider his application and to issue clearance certificate to his vehicle.

Considering the nature of the relief sought for and the submission made by the learned counsel for the petitioner, this writ petition is disposed of directing the respondent to consider the petitioner's application for clearance certificate without insisting for 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 first 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.

Sd/-

A.V.RAMAKRISHNA PILLAI
JUDGE

krj

