

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.V.RAMAKRISHNA PILLAI

WEDNESDAY, THE 1ST DAY OF JULY 2015/10TH ASHADHA, 1937

WP(C).No. 19090 of 2015 (I)

PETITIONER(S):

**BABY ANTOS, PARAYIL HOUSE,
EDAMARUKU P.O., PALA, KOTTAYAM.**

BY ADV. SRI.I.DINESH MENON.

RESPONDENT(S):

**THE SECRETARY,
REGIONAL TRANSPORT AUTHORITY,
IDUKKI - 685 603.**

BY GOVT. PLEADER SMT.K.A. SANJEETHA.

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 01-07-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

rs.

WP(C).No. 19090 of 2015 (I)

APPENDIX

PETITIONER'S EXHIBITS:-

EXHIBIT P1. TRUE COPY OF THE REGULAR PERMIT ISSUED TO THE PETITIONER.

EXHIBIT P2. TRUE COPY OF THE REQUEST DATED 12.06.2015.

EXHIBIT P3. TRUE COPY OF THE JUDGMENT IN WP(C)NO.6402/2015
DATED 02.03.2015.

RESPONDENT'S EXHIBITS:- NIL.

//TRUE COPY//

P.S. TO JUDGE

rs.

A.V. RAMAKRISHNA PILLAI, J.

W.P.(C) No. 19090 of 2015

Dated this the 1st day of July, 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-35 F 5277 on the route between Thulappally and Mankulam as Super Fast service. The present permit of the petitioner was valid till 11.12.2011. The petitioner alleges that prior to the expiry of the basic permit, he applied for renewal of permit as provided under Section 81 of the Act. While so, the KSRTC has come out with a scheme whereby there is prohibition on granting and renewing permits as super class services; and the said notifications were under challenge before this Court; and the Division Bench of this Court reserved

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the matter for judgment in WA No.668/2014 and other connected cases. The petitioner points out that he is also an appellant in the aforesaid appeal challenging the scheme. As per the interim order passed in the above writ appeal, temporary permits were issued to private operators subject to the condition that they would be displaced as and when KSRTC starts to operate, based on that, the petitioner was issued with a communication stating that KSRTC has introduced service in place of the petitioner's service; and hence, he was directed to stop his service. Hence, the petitioner preferred Ext.P2 request to get the permit under suspended animation and to issue clearance certificate in respect of stage carriage No.KL-35 F 5277. 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

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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 permitless 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 permitless clearance certificate 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/-