

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.V.RAMAKRISHNA PILLAI

FRIDAY, THE 3RD DAY OF JULY 2015/12TH ASHADHA, 1937

WP(C).No. 19553 of 2015 (T)

PETITIONER :

**K. AHAMMED
VADEKKADIYIL HOUSE, PARANNUR P.O.,
NARIKKUNI, KOZHIKODE.**

BY ADV. SRI.STALIN PETER DAVIS

RESPONDENT :

**THE SECRETARY,
REGIONAL TRANSPORT AUTHORITY
KOZHIKODE-673 001.**

BY GOVT. PLEADER SMT. K.A. SANJEETHA

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 03-07-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

Mn

...2/-

WP(C).No. 19553 of 2015 (T)

APPENDIX

PETITIONERS' EXHIBITS :

**EXT. P1 : PHOTOCOPY OF THE REQUEST DTD.25.6.2015 SUBMITTED BY THE
 PETITIONER BEFORE THE RESPONDENT.**

RESPONDENT(S)' EXHIBITS : NIL

//TRUE COPY//

P.S. TO JUDGE

Mn

A.V.RAMAKRISHNA PILLAI, J

WPC No.19553 of 2015

Dated this the 3rd day of July, 2015

JUDGMENT

The petitioner, who is the operator of a stage carriage bearing Reg.No.KL-18/4347 operating on the route between Narikkunni-Cherukulam-Pavangad-Kozhikode, 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 the petitioner is endorsed to the stage carriage bearing Reg.No.KL-18/4347 which is valid till 9.4.2017. The petitioner points out that the said vehicle is not roadworthy and therefore, he is intending to replace the vehicle by another vehicle. The petitioner is not in a position to purchase a new vehicle by retaining the existing vehicle. According to him, only by utilising the sale proceeds of the present vehicle, he would be

able to purchase another vehicle so as to replace the existing vehicle. Therefore, he submitted an application to issue clearance certificate to sell the vehicle without insisting the surrendering of the existing permit, by retaining the permit under suspended animation. It is with this background the petitioner has come up before this Court.

As the petitioner is intending to sell his present vehicle which is not working and to purchase another vehicle utilising the sale proceeds, this Court is of the view that the petitioner's request is genuine.

In the result, this writ petition is disposed of directing the respondent to consider the petitioner's application for clearance certificate to sell the vehicle without insisting 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.

Sd/- A.V.RAMAKRISHNA PILLAI
JUDGE

CSS/

true copy

P.S.TO JUDGE