

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.V.RAMAKRISHNA PILLAI

WEDNESDAY, THE 8TH DAY OF JULY 2015/17TH ASHADHA, 1937

WP(C).No. 19970 of 2015 (U)

PETITIONER :

**JOSEPH M.K.,
MANIVELIL HOUSE,
P.O. IRINJALAKUDA, THRISSUR.**

BY ADV. SRI.I.DINESH MENON

RESPONDENT :

**THE SECRETARY,
REGIONAL TRANSPORT AUTHORITY,
VADAKARA-673 101.**

BY GOVERNMENT PLEADER SMT. K.A.SANJEETHA

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 08-07-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

sts

WP(C).No. 19970 of 2015 (U)

APPENDIX

PETITIONER(S)' EXHIBITS

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

EXHIBIT P2: TRUE COPY OF THE RC BOOK OF KL-50 D 3322.

EXHIBIT P3: TRUE COPY OF THE REQUEST DATED 22.6.2015.

**EXHIBIT P4: TRUE COPY OF THE JUDGMENT IN WPC NO.6402/2015 DATED
2.3.2015.**

RESPONDENT(S)' EXHIBITS: **NIL**

/TRUE COPY/

P.A.TO JUDGE

sts

A.V. RAMAKRISHNA PILLAI, J.

W.P.(C) No. 19970 of 2015

Dated this the 8th day of July, 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 him is endorsed to stage carriage No.KL-50 D 3322 on the route between Thamarassery and Thrissur as Limited Stop Fast Passenger. Since the said vehicle was taken possession by the petitioner on lease agreement, the permit was issued in the name of the registered owner of the vehicle. Prior to the expiry of basic permit, he applied for renewal of permit as provided for under Section 81 of the Act. While so, the KSRTC has come out with a scheme whereby there is prohibition on granting and renewing

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permits as super class services; and the said notifications were under challenge before this Court; and the Division Bench of this Court reserved the matter for judgment in WA No.668/2014 and other connected cases. 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 which, 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.P3 request to get the permit under suspended animation and to issue clearance certificate in respect of stage carriage No.KL-50 D 3322. 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 senior Government Pleader, on

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instructions, submitted that the permit in respect of the petitioner's vehicle expired on 09.01.2015 and there is no existing valid permit.

Therefore, this writ petition is disposed of directing the respondent to consider Ext.P3 application and issue permitless certificate, 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/-