

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.V.RAMAKRISHNA PILLAI

MONDAY, THE 13TH DAY OF JULY 2015/22ND ASHADHA, 1937

WP(C).No. 20367 of 2015 (U)

PETITIONER :

**NAYAS.A.S., S/O. SAIDU MOHAMMED,
PALAKUNNU HOUSE, KOTTANAD P.O.,
MANIVAYAL, MEPPADI, WAYANAD.**

BY ADV. SRI.P.DEEPAK

RESPONDENT :

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

BY GOVERNMENT PLEADER SMT. K.A.SANJEETHA

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 13-07-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

sts

WP(C).No. 20367 of 2015 (U)

APPENDIX

PETITIONER(S)' EXHIBITS

P1 : COPY OF THE ORDER DTD. 26.6.2015.

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

/TRUE COPY/

P.A.TO JUDGE

sts

A.V.RAMAKRISHNA PILLAI, J.

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W.P(C) No.20367 of 2015

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Dated this the 13th day of July, 2015

JUDGMENT

The petitioner, who is the operator of a stage carriage operating on the route between Mundakkal, Chooralmala, Meppadi and DM WIMS, has come up before this Court seeking a direction to issue a clearance certificate by the respondent without insisting for surrender /cancellation of existing permit.

2. According to the petitioner, the permit granted to the petitioner is endorsed to the stage carriage bearing Reg.No.KL-12/D 2424 which is valid up to 7.8.2019. The petitioner points out that the said vehicle is a 2007 model vehicle with a seating capacity of 48 in all. Therefore, he is intending to dispose of the existing vehicle by another vehicle and thereafter to purchase a new vehicle by utilising the funds made available by the sale of existing vehicle.

3. Therefore, on 24.6.2015 the petitioner filed a request before

the respondent to issue clearance certificate/permit less 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.

4. I have heard the learned counsel for the petitioner and the learned Senior Government Pleader.

5. When the matter came up for hearing, the learned counsel for the petitioner would submit that a direction to consider his application by this Court would be sufficient.

6. As the petitioner is intending to sell his present vehicle which is a 2007model vehicle with a seating capacity of 48 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 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

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