

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.V.RAMAKRISHNA PILLAI

TUESDAY, THE 14TH DAY OF JULY 2015/23RD ASHADHA, 1937

WP(C).No. 20479 of 2015 (H)

PETITIONER :

**THOMAS GEORGE,
KONDODICKAL, THOTTAKAD P.O.,
KOTTAYAM.**

BY ADV. SRI.K.V.GOPINATHAN NAIR

RESPONDENT :

**THE SECRETARY,
REGIONAL TRANSPORT AUTHORITY, IDUKKI
PIN - 685 602.**

BY GOVT. PLEADER SMT. K.A. SANJEETHA

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 14-07-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

Mn

...2/-

WP(C).No. 20479 of 2015 (H)

APPENDIX

PETITIONERS' EXHIBITS :

**EXT. P1 - TRUE COPY OF THE REGULAR PERMIT ISSUED TO THE PETITIONER
ON THE ROUTE CHEMMANNAR - KOTTAYAM VALID UP TO 14.7.14.**

**EXT. P2 - TRUE COPY OF THE APPLICATION SUBMITTED BY THE PETITIONER
BEFORE THE RESPONDENT DT. 30.6.15.**

RESPONDENT(S)' EXHIBITS : NIL

//TRUE COPY//

P.S. TO JUDGE

Mn

A.V. RAMAKRISHNA PILLAI, J.

W.P.(C) No.20479 of 2015

Dated this the 14th day of July, 2015.

JUDGMENT

The petitioner is seeking a direction to the respondent to issue the clearance certificate.

2. The petitioner is the holder of a regular permit to operate service between Chemmannar and Kottayam in respect of his stage carriage KL-33/D 9729. The petitioner alleges that regular permit was valid up to 14.7.2014 and the petitioner's application for renewal of permit is pending before the Regional Transport Authority. The aforesaid service is allowed to operate as Fast Passenger Service. The issue whether the said regular permit can be renewed or not on the basis of a notification issued by the Government is still under consideration and the petitioner cannot keep his vehicle idle indefinitely. The petitioner is not granted temporary permit also under Section 87(1)(d) of the Motor Vehicles Act. Under the above circumstances, the petitioner submitted application

before the respondent to issue clearance certificate/permitless certificate in respect of the above vehicle KL-33/D 9729 without insisting surrender of regular permit. The petitioner would be able to procure a later model vehicle and submit current records in the event of his application for renewal of permit is allowed by the RTA; it is alleged. Intimating the above aspects, petitioner submitted an application for issue of clearance certificate/permitless certificate in respect of stage carriage KL-33/D 9729 as per Ext.P2. Though the respondent is the authority to issue the same by considering Ext.P2 application, it has not been issued so far. It is with this background, the petitioner has come up before this Court.

3. I have heard the learned counsel for the petitioner and the learned Government Pleader in the matter.

4. The learned Government Pleader on instructions would submit that the permit of the petitioner expired on 14.7.2014.

Therefore, the writ petition is disposed of directing the

respondent to issue the 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, it shall be open to the petitioner to produce a copy of the writ petition as well as the copy of this judgment before the respondent at the earliest.

Sd/-
A.V. RAMAKRISHNA PILLAI
JUDGE

Scl.