

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.V.RAMAKRISHNA PILLAI

FRIDAY, THE 10TH DAY OF JULY 2015/19TH ASHADHA, 1937

WP(C).No. 20584 of 2015 (W)

PETITIONER:

SHABEEK T. AGED 35 YEARS
S/O.TAJUDEEN, MURUPPEL PUTHENVEEDU, KARIMPALLOOR
PATTAZHY, PATHANAPURAM.

BY ADV. SRI.O.D.SIVADAS

RESPONDENT:

THE SECRETARY
REGIONAL TRANSPORT AUTHORITY
PATHANAMTHITTA - 689 645.

R BY GOVERNMENT PLEADER SMT.SANJEETHA

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 10-07-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C).No. 20584 of 2015 (W)

APPENDIX

PETITIONER'S EXHIBITS

EXHIBIT P1. TRUE COPY OF THE REQUEST DATED 06.07.2015 SUBMITTED BY
THE PETITIONER.

EXHIBIT P2. TRUE COPY OF THE JUDGMENT IN W.P.(C) NO.13005 OF 2015
ISSUED BY THIS HON'BLE COURT.

RESPONDENT(S)' EXHIBITS : nil

TRUE COPY

p.s.to judge

CSS/

A.V.RAMAKRISHNA PILLAI, J

WPC No.20584 of 2015

Dated this the 10th day of July, 2015

JUDGMENT

The petitioner, who is the operator of a stage carriage bearing Reg.No.KL-25/E 7954 operating on the route between Adoor and Padam, 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-25/E 7954. 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. The petitioner submitted Ext.P1 application to issue clearance certificate to sell the vehicle so as to replace the existing vehicle. The petitioner seeks a positive direction from this Court to consider and dispose of Ext.P1.

3. Heard the learned counsel for the petitioner and the learned Government Pleader in the matter.

As the petitioner is intending to sell his present vehicle 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 a week 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