

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.V.RAMAKRISHNA PILLAI

WEDNESDAY, THE 22ND DAY OF JULY 2015/31ST ASHADHA, 1937

WP(C).No. 21277 of 2015 (H)

PETITIONER(S):

**VIJAYAN PILLAI,
KAILAS, VADASSERIKKARA P.O.,
PATHANAMTHITTA.**

BY ADV. SRI.P.DEEPAK.

RESPONDENT(S):

**THE SECRETARY,
REGIONAL TRANSPORT AUTHORITY,
PATHANAMTHITTA - 689 645.**

BY GOVT. PLEADER SMT.K.A. SANJEETHA.

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 22-07-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

rs.

WP(C).No. 21277 of 2015 (H)

APPENDIX

PETITIONER'S EXHIBITS:-

**EXHIBIT P1. TRUE COPY OF THE REPRESENTATION FOR CLEARANCE
CERTIFICATE FILED ON 13.07.2015.**

RESPONDENT'S EXHIBITS:- **NIL.**

//TRUE COPY//

P.S. TO JUDGE

rs.

A.V.RAMAKRISHNA PILLAI, J.

=====

W.P(C) No.21277 of 2015

=====

Dated this the 22nd day of July, 2015

JUDGMENT

This writ petition is filed seeking a direction to issue a clearance certificate without insisting on surrender/cancellation of permit issued to the stage carriage bearing no.KL-03/R-2195.

2. The petitioner is the holder of Ext.P1 regular permit to conduct service on the route between Pathanamthitta to Pathanamthitta (circular), issued in respect of aforesaid stage carriage and the permit is valid upto 3.12.2018. The petitioner's intention is to replace the said vehicle with a later model vehicle. The petitioner alleges that he can arrange for a suitable vehicle only after disposing of the existing vehicle. Therefore, he filed application before the respondent to issue clearance certificate in respect of the above vehicle by keeping the permit in suspended animation.

3. The petitioner further alleges that his intention is to resume

the service with a suitable other vehicle after the construction of the bridge is completed. The petitioner states that whether the vehicle covered by a permit can be released from the permit keeping the permit in suspended animation till such time as another vehicle is offered for replacement during the currency of permit is no longer *res integra* (see Aysha v. RTA, Kasaragod [2006 (3) KLT 1012]. 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 Government Pleader.

5. When the matter came up for admission, the learned counsel for the petitioner has confined his argument to the limited prayer to consider Ext.P1 representation submitted by the petitioner within a time frame.

Therefore, this writ petition is disposed of directing the respondent to consider Ext.P1 representation and pass positive orders granting clearance, without insisting the surrendering of existing

permit, by retaining the permit under suspended animation, if it is otherwise in order. This shall be done within a period of two weeks from the date of receipt of a copy of this judgment. The petitioner shall produce the records of the suitable vehicle to be substituted within four months from the date of clearance.

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 at the earliest.

Sd/-

A.V.RAMAKRISHNA PILLAI
JUDGE

krj